



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, January 13, 2014 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2014-001

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

“THAT, the minutes of the Land Division Committee meeting held on December 16, 2013 be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2014-002

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

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

7. REPORTS

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

7.1.1 **B13/120 – Gregory Drummond / Katherine Capello – lot addition**

Pt. Lot 5 Conc. 10 geographic Township of Lanark, now in the Township of Lanark Highlands. 10th Con B Lanark.

7.1.2 **B13/121 – Joyce and Clarence Closs – correction of title**

Pt. Lot 9 Conc. 6 geographic Township of North Burgess, now in Tay Valley Township.

7.1.3 **B13/132 – Ruth Jane Greenberg – lot addition**

Pt. Lot 4/5 Conc. A Township of Montague/ Heritage Drive.

7.1.4 **B13/137 – Mississippi Golf Club Ltd. – lot addition**

Pt. Lot 3 Conc. 9 geographic Township of Ramsay, now in the Town of Mississippi Mills. Wilson St.

7.1.5 **B13/149 – Michael John Baarda – lot addition**

Pt. Lot 16 Conc. 6 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Drummond Con 7

ii) Applications Previously Heard and Awaiting a Decision

7.2.1 **B13/141 – Crombie Property Holdings Ltd. – R-O-W**

Pt. Lot 1 Pt Lot 2 Pk Lot 4 Plan 8828, Town of Perth.

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 Hydrogeological Investigation discussion to be added the upcoming agendas.

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 B13/120 - Gregory Drummond / Katherine Capello – lot addition

10.1.2 B13/121 – Joyce and Clarence Closs – correction of title

10.1.3 B13/132 – Ruth Jane Greenberg – lot addition

10.1.4 B13/137 – Mississippi Golf Club Ltd. – lot addition

10.1.5 B13/141 – Crombie Property Holdings Ltd. – R-O-W

10.1.6 B13/149 – Michael John Baarda – lot addition

11. UPCOMING MEETINGS

Monday, February 10, 2014 @9:00 a.m.;

Monday, March 10, 2014 @9:00 a.m. (R. Strachan advised that he would not be able to attend) and;

Monday, April 14, 2014 @9:00 a.m. (D. Murphy advised that he would not be able to attend).

12. ADJOURNMENT – 11:03 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Gregory Drummond & Katherine Capello **Hearing Date:** January 13, 2014

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B13/120

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 5 Conc.: 10

Roll No. 0940 934 035 03415

Consent Type: Lot Addition

Purpose and Effect: To sever a 0.15-ha parcel of land as a lot addition to lands owned by Timothy A & Sarah R Lancaster at 615 Con 10B Lanark and retain a 7.33-ha vacant residential lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Vacant
Area	0.15 ha	7.33 ha
Frontage	25 m	224.6 m
Depth	128 m	535 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	N/A	N/A
Sewage Disposal	N/A	N/A
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning By-law Category	Rural	Rural
-Area Required (min.)	n/a - lot addition	1.0-ha
-Compliance?		Yes
-Frontage Required (min.)	n/a – lot addition	60 m
-Compliance?		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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 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 Policies, Section 6.0 Rural 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 Planner's Report

1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 5, Concession 10, geographic Township of Lanark now in the Township of Lanark Highlands.

The applicant wishes to sever a 0.37 acre parcel of land from Part Lot 5, Concession 10 Plan 27R-9278 Part 3 and add it to the lands located at Con 10 Part Lot 5, RP 27R-9278, Part 2, Lanark, municipally known as 615 Concession 10B Lanark, and to retain a 18.11 acre residential lot. The property is designated as Rural, on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 4' in Zoning By-law 2003-451.

1.1 PROVINCIAL POLICY

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

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

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

1.2 OFFICIAL PLAN

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

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

1.3 ZONING

The lands are zoned as Rural on Schedule "A 4" by Zoning By-law 2003-451. The lot addition is a lot line adjustment to enlarge a neighbouring lot.

1.4 DISCUSSION

The application will not result in the creation of a new lot and is a lot line adjustment. In conclusion, the application, as submitted, is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law.

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

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

Conservation Authority Mississippi Valley Conservation 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 vacant 0.15 ha parcel of land as a lot addition to the adjacent lands. The retained land is 7.33 ha, and is also vacant. The lot to-be- enlarged is developed.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and aerial photography, organic soils are present on a significant portion of the lot-to-be enlarged. In addition, unclassified wetland exists on the lot-to-be enlarged.

According to aerial photography, this wetland extends onto the adjacent lands to the north, with a tributary of Campbell's Creek flowing through it. No significant natural heritage features or natural hazards were identified on the proposed severed or retained lands.

REVIEW

No significant natural heritage features or natural hazards were identified on the proposed severed or retained lands, and the lot-to-be enlarged is already developed with no new development proposed at this time. Therefore, impacts to natural features are not anticipated as a result of the subject application.

CONCLUSION

MVCA does not have any objections to the subject lot addition.

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.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever an 0.15-ha parcel of land as a lot addition to lands owned by Timothy Allan Lancaster and Sarah Rae Lancaster and retain a 7.33-ha vacant landholding. The proposed lands will provide for more setback distance between the newly constructed residential dwelling and the property lot line.

The subject lands are located in an area characterized by rural residential intermixed between agricultural areas.

The lands to be enlarged are accessed by 10th Con B Lan., a municipally maintained road.

Official Plan Policies

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

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

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

- 2/ 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 additional will assist in 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 – January 13, 2014**

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

The Committee noted that the Township had not requested road widening, however, road widening had occurred on the original consent. Mr. Lunney advised that they had no objection to this being added as a condition.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Timothy Allan Lancaster and Sarah Rae Lancaster described as Part 2, Plan 27R-9278 – Pt. Lot 5 Conc. 10 geographic Township of Lanark, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. 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. 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.
9. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Joyce Closs & Clarence Closs **Hearing Date:** January 13, 2014
Agent: David G. Heeley
LDC File #: B13/121
Municipality: Tay Valley Township
Geographic Township: N. Burgess **Lot: 9** **Conc.:**
Roll No. 0911 911 010 04700 **Consent Type:** Correction of Title

Purpose and Effect: To correct the title of an existing 0.19-ha residential lot with a dwelling located at 2001 Long Lake Road together with right-of-way access to Long Lake Route 2.

(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 2.15 Existing Land Uses, section 2.18 Cultural Heritage, Section 2.19 Natural Hazards, Section 2.21 Natural Heritage Features, section 2.23 Water Quality, section 3.3 Mineral Resource, section 4.5 Private Roads, section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 5.2 Seasonal Residential Zone
Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) **AGENCY REVIEW**

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

Township Planner's comments

The proposal is to correct this title of an existing 0.19-ha residential lot with a dwelling located at 2001 Long Lake Road to provide Right of Way access to the lot.

Zoning – no new lot is being proposed; correcting title to existing residential lot to provide right of way access to the lot.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfer(s) be submitted to the Township.”

Conservation Authority Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application under Section 28 of the Conservation Authorities Act and as regards Section 35.1 of the Federal Fisheries Act.

The Rideau Valley Conservation Authority has no concerns with this title correction.

For the owner's information, any alteration proposed on the shoreline of Long Lake is subject to Ontario Regulation 174/06 *Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* made pursuant to the Conservation Authorities Act: Any new shoreline work / alteration to the shoreline will require a permit from the RVCA.

Please advise us as to the Committee's decision regarding this application or any changes in its status.

Thank you for the opportunity to comment.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted November 18, 2013.

The applicant proposes to sever approximately 0.14 hectare parcel, for the purpose of correcting the title. The proposed area to be severed is developed with a dwelling, garage and shed. The dwelling is serviced by a Class 4 sewage system. A re-inspection was completed on the property in 2006 (06TV097). No test pits were provided.

The Application for Consent does not interfere with the ability to install, replace, operate or maintain a sewage system in the future on the subject lot or adjacent lots, Given the

above information, our office has no objections to the application as proposed.

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.

Lanark County

Thursday Nov 28, 2013

Mary Kirkham, Planning Administrator
County of Lanark
99 Christie Lake Rd.,
PERTH, ON K7H 3C6

Regarding: File # B13/121, Lot 9, Conc 6 geographic
Township of North Burgess;

Dear M. Kirkham,

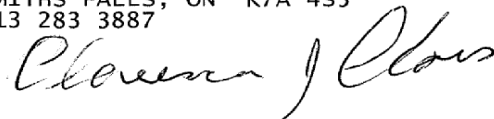
I wish to attend the public meeting of the above mentioned file.

I would appreciate it if you would notify me when this meeting is scheduled.

Thank you for your attention to this matter.

sincerely,

Clarence J. Closs
23 Sunset Dr.,
SMITHS FALLS, ON K7A 4S5
613 283 3887



(d) **PLANNING REVIEW**

Background and Summary

The purpose of the application is to correct the title of the lands registered as Instrument No. RS131990 in 1991. The property was deeded (and created) pursuant to a gift in a Will. However, it has been determined that creating a lot pursuant to a Will was prohibited on July 26, 2990 and therefore the Deed that was issued was void. The Closs's have lived at and have used the property as a summer residence for over 22 years. The deed to the lands also include a right-of-way and are the subject of a right-of way over part 6 on the registered plan.

The subject lands are located in an area characterized by typical seasonal residential. The effect of the consent is not to create a 'new' lot but rather to correct the title of the lot.

The lands are accessed via Long Lake Route 2, a private road that adjoins Long Lake Road, a municipally maintained road.

Archaeological

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

Watershed Report

The "Watershed Watch Report" was undertaken on Long Lake in 2002. The report was able to conduct a comparison between water quality conditions as they existed in 2002, and the results obtained through the years since 1980. The sampling indicates that Long Lake has a moderate concentration of nutrients. Some algae blooms and minor weed growth in sheltered bays and shallow areas were noted. Best management practices are very important in existing and new development of properties around the lake to avoid accelerating the aging process.

The lake report does not indicate testing for invasive species, in particular, zebra mussels and spiny water flea. However, as these invasive species have been detected in adjacent lakes, residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. Precautions need to be taken to avoid the spread of invasive species from other lakes.

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 does not meet the minimum lot frontage and size, however is considered by the Township to be 'legally con-conforming'. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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

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

(e) MINUTES – January 13, 2014

David Heeley, agent attended the hearing and gave evidence under oath.

Mr. Heeley provided background information on the application. The seasonal dwelling on the lot was constructed in approximately 1932 and the deed was registered through w 'will creation' in 1991, however the ability to create a lot by 'will creation' ended July 26, 2990. It appears from the records that the solicitor at that time was not aware of the new regulation. The Closs' now want to transfer the lands but are unable to do so as the deed that have does not comply with the Land Titles Regulations.

The Committee noted that the lands do not comply with the current zoning by-law (legal non-conforming) and that they may wish to proceed to obtain a site specific zoning for the property.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The lands being severed include a r-o-w (Part 8 Plan 27R-4182) in favour of and subject to a r-o-w (Part 6 Plan 27R-4182).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 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. *The Rideau Valley Conservation Authority advises that, any alteration proposed on the shoreline of Long Lake is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and*

*Watercourses Regulation made pursuant to the Conservation Authorities Act:
Any new shoreline work / alteration to the shoreline will require a permit from the RVCA.*

3. *Residents and users of Long Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
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: Ruth Jane Greenberg **Hearing Date:** January 13, 2014
Agent: N/A
LDC File #: B132/132
Municipality: Montague
Geographic Township: N/A **Lot: 4 & 5 Conc.: A**
Roll No. 0901 000 010 11201 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 9.9-ha parcel of land as a lot addition to lands owned by Timothy Allen at Pt. Lot 4 Conc. A Montague and retain a 41.7-ha landholding with an existing dwelling, barns and riding arena at 756 Heritage Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Horse Farm
Proposed Use	Vacant	Horse Farm
Area	9.9 ha	41.7 ha
Frontage	N/A	267 m
Depth	N/A	1,067 m
Road - Access to		County Road
Water Supply	N/A	Private Well
Sewage Disposal	N/A	Private Septic
Official Plan Designation	Rural with Bedrock and ESA Overlay	
-Conformity?	Yes	
Zoning By-law Category	Rural	Rural
-Area Required (min.)	n/a - lot addition	2.0-ha
-Compliance?		Yes
-Frontage Required (min.)	n/a - lot addition	46 m
-Compliance?		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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 3.2 Mineral Resource, Section 3.6 Rural Policies, 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 Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

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. It is understood that the proposal would sever a 24 acre (10 ha) wooded parcel from the rear of the Greenberg property and subsequently convey it as a lot addition to an abutting property owned by Timothy Allen. The Allen property is already developed as a residence and farm (accessing Heritage Road) and the majority of the land is open pasture. The severed parcel has no frontage on an opened public road, although it abuts an unopened concession allowance. The addition is intended to be used for conservation purposes and the application would leave Ms. Greenberg with a roughly 103 acre (42 ha) retained landholding. As this application does not result in the creation of a new lot, there is no impact on the Official Plan's policies regarding the number of severances permitted on a lot.

The severed lands are subject to a number of planning constraints, including mapped bedrock deposits and significant woodland as well as watercourses crossing the land. Since the application does not propose nor facilitate new development however, an Environmental Impact Study was not requested by the Township. Any future site alteration, including trail development and construction would be subject to the applicable Natural Heritage sections of the Plan. The application was determined to comply with all other applicable provisions of the Official Plan, including Rural development and Division of Land. The application does create a somewhat unusual shape of a lot (flag), however given its size and intended conservation use, the proposal is consistent with the intent of Section 5.2.2 which provides that "the frontage, size and shape of any lot created shall be appropriate for the proposed use." The application should have no negative effect on the functionality of the retained lot.

With respect to the zoning, the entire area is appropriately zoned Rural and this application does not create nor exacerbate any non-complying conditions on either the recipient, severed or retained lands.

Given the foregoing, 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:

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The severed lands shall be for a lot addition only to adjacent lands as identified in the Application

Conservation Authority – Rideau Valley Conservation Authority

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations.

The following comments are offered for the Committee's consideration.

The proposal is to sever 9.9 hectare parcel from the existing 51.6 hectare parcel. The severed parcel will then be conveyed to the adjacent property known municipally as 672 Heritage Drive.

PROPERTY CHARACTERISTICS

The severed parcel is mainly wooded with a portion of Rideau Creek and an unevaluated wetland to the north. The retained parcel is primarily hay fields with some woodland on the northern portion of the property. A tributary to the Rideau River traverses the southern portion of the retained parcel. The woodlands have been identified in the Township's Official Plan as Significant Woodlands.

REVIEW

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

Natural Heritage

Watercourses

Two watercourses including Rideau Creek have been identified traversing the severed parcel and one watercourse has been identified traversing the retained parcel. The severance application is for a lot line addition and no new development is proposed.

Wetlands

There have been 2 unevaluated wetlands identified on the severed parcel. There is no new development proposed as a result of this application and the development has already been established on the parcel in which the lot is being added. Therefore there is no anticipated impact on the unevaluated wetlands.

Woodlands

Portions of the severed and retained parcel have been identified as Significant Woodlands in the Township's Official Plan. This application is for a lot line adjustment only and therefore the Conservation Authority is not recommending that an EIS be prepared in support of this application.

Conservation Authority Regulations

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

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

CONCLUSION

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

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

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed – Bush lot at the back of the existing property with silty loam soil. Good drainage. The severed land will become a lot addition for the neighbour. This land will be for recreational use.

Retained – Good drainage. Large property, partially cleared with a residence, horse barns and riding arena. The property is mostly flat and the soil is silty loam ranging in depth from 0.5 metres to greater than 1.0 metres over bedrock. The retained property is large enough to accommodate a replacement system if required. Severing this land will not negatively impact on-site sewage disposal.

(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 9.9-ha vacant landholding as a lot addition to lands owned by Timothy Vaughan Allen and retain a 41.7-ha horse form.

The subject lands are located in an area characterized by larger type land holdings along the north portion of Heritage Drive and smaller type waterfront lots along the southern

portion of Heritage Drive.

The lands to be enlarged are accessed via Heritage Drive, a municipally maintained road.

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 – January 13, 2014**

Ruth Jane Greenberg, owner and Terrence Neil Eadahl, partner attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Timothy Vaughan Allen described as Part Lot 4 Conc. A Township of Montague and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.

5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Montague stating that condition #4 and #6 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises the watercourses identified on the retained parcel are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*
 - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
2. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Mississippi Golf Club Ltd. **Hearing Date:** January 13, 2014
Applicant: Joseph V. Kolar **Agent:** Desmond Huston
LDC File #: B13/137
Municipality: Town of Mississippi Mills
Geographic Township: Ramsay **Lot:** 3 **Conc.:** 9
Roll No. 0931 929 020 32300 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.1-ha parcel of land as a lot addition to lands owned by Joe Kolar at Pt. Lot 3 Conc. 9 Ramsay – 336 Wilson Street and retain a 51.0-ha landholding with an existing golf club and course at 324 Wilson Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Golf Course
Proposed Use	Vacant	Golf Course
Area	0.1 ha	51 ha
Frontage	N/A	421 m
Depth	35 m	884 m
Road - Access to		County Road
Water Supply	N/A	
Sewage Disposal	N/A	None
Official Plan Designation -Conformity?	Parkland / Open space Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Open Space 1 n/a – lot addition n/a – lot addition	Open Space 1

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

County Official Plan – Section 3.0 Rural 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 Community Official Plan, Section 3.8 Parkland and Open Space, Section 4 General Policies, 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 33 Open Space.

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:

Township Planner's Report

BACKGROUND & PROPOSAL

The Mississippi Golf Club Ltd. currently owns a property ±82.8ha (±204.6ac) property (the 'Golf Course') which contains an 18-hole golf course and associated clubhouse, storage and maintenance facilities. The Golf Course is split into a north and south section by Wilson Road which is owned and maintained by the County of Lanark.

An application for consent (B13/137) has been submitted to the County of Lanark to sever a ±1165m² (12 536ft²) portion of land from the south-east corner of the north section of the Golf Course (being Part 3 of RP26R1978) with the intent to then consolidate this land with an abutting ±0.43ha (1.1 ac) residential lot. This lot to be enlarged is legally described as Concession 9, East Part Lot 3, Part 1 of RP26R1978 and is municipally known as 336 Wilson Street, Ramsay Ward, Town of Mississippi Mills.

The proposed area of the Golf Course being severed is currently zoned as 'Parkland and Open Space (OS)' within Zoning By-law #11-83, and is designated as 'Parkland and Open Space' by the Town's Community Official Plan (COP). The lot being enlarged is zoned as 'First Density Residential (R1) Zone' and is designated as 'Rural Settlement Areas & Villages' by the COP.

DESCRIPTION OF SUBJECT LANDS

The lot to be enlarged is an irregularly shaped ±4ha (1.0ac) parcel with ±56.8m (186.2ft) of frontage along Wilson Road. The parcel currently contains a single-family detached dwelling, detached garage, and several other ancillary structures.

There is a stream running along the east side of the Golf Course which separates the course from the lands to be enlarged. The area to be severed is heavily wooded, located on the east side of the above noted stream, and does not form an integral part of the course.

COMMUNITY OFFICIAL PLAN (COP) AND ZONING BY-LAW #11-83

The proposed area of the Golf Course being severed is currently zoned as 'Parkland and Open Space (OS)' within Zoning By-law #11-83, and is designated as 'Parkland and Open Space' by the Town's Community Official Plan (COP). The lot being enlarged is zoned as 'First Density Residential (R1) Zone' and is designated as 'Rural Settlement Areas & Villages' by the COP.

The 'Parkland and Open Space' designation allows for a range recreation and natural conservation activities while the 'Rural Settlement Areas & Villages' designation permits a variety of residential and commercial uses which include low density residential uses. The COP notes that residential lots within rural settlement areas should be at least 0.4ha (1.0ac) in area, while the Zoning By-law requires lots which are zoned R1 and without municipal water and sewer to be at least 0.2ha in size. Given that the proposed lot addition would increase the area of the enlarged lot from 0.43ha (1.1 ac) to 0.54ha (1.3ac), the lot would continue to meet the minimum lot size requirements of the COP and Zoning By-law. That being said, Staff note that the enlarged lot would not be large enough to allow for a new residential building lot to be created from it.

Staff note that the proposal would improve the shape of the enlarged residential lot, and have no negative impacts on the function of retained parcel. Also, as the proposal represents a minor boundary adjustment between two existing lots of record, the lot creation policies of the COP are not applicable.

With regards to the boundary of Appleton's settlement area, as the proposal would add only ±1165m² to an existing lot of record and is not intended to facilitate any new development, Staff do not believe a Comprehensive Review or Official Plan Amendment are warranted. Rather, Staff believe it would be more appropriate to carry out the minor settlement area boundary adjustment as a housekeeping item during the S-Year Official Plan review process.

Furthermore, it should be noted that as per Section 6.24 "Setbacks from Watercourses and Waterbodies" of the Zoning By-law, any new development on the enlarged lot would be required to be setback a minimum of 30.0m (98Aft) from the high watermark of the watercourse.

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(S)(a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS.

Section 1.1.1 (a) of the PPS states that: "healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the

financial well-being of the Province and municipalities over the long term". As the proposed severance would result in a minor boundary adjustment with no new additional lots being created, Staff view it as an efficient and logical form of development which is in keeping with the PPS.

CONCLUSION

Staff view the proposed minor boundary adjustment to be a logical and appropriate form of development as it would improve the shape of the enlarged lot, while having no negative impact on the function of the retained lands. Staff view the proposal as being consistent with the policies of the Community Official Plan, in keeping with the PPS, and satisfying the development standards of the Zoning By-law.

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a DWG file format;
3. That the parcel intended to be severed be conveyed to the abutting landowner to the immediate east and be consolidated with said owner's existing property; and,
4. That the owner pay any outstanding property taxes on the subject property."

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.1-ha parcel of land as a lot addition and retain a 51.0-ha landholding with an existing golf course.

The subject lands are located in an area abutting a designated Settlement Area.

The lands to be enlarged are accessed via Wilson Drive, a County maintained road.

Official Plan Policies

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

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

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

- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Town of Mississippi Mills.

Zoning

The additional lands will assist the lands to be enlarged in meeting the minimum lot size requirements.

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 – January 13, 2014**

No persons attended.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Joseph V and Audrey I Kolar described as Part 1 Plan 26R-1978 – Con 9 E Pt. Lot 3 geographic Township of Ramsay, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
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. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

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

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Crombie Property Holdings **Hearing Date:** December 16, 2013
Re-Convened Date: January 13, 2014

Agent: Ana Stuermer, Delcan Corporation

LDC File #: B13/141

Municipality: Town of Perth **Geographic Township:** N/A

Lot: Pt. Lot 1 Pk Lot 4 Plan 8828, Pt. Lot 2 Pk Lot 4 Plan 8828, Pt. Lot 4 Pk Lot 4 Plan 8828

Roll No. 0921 030 080 05100 **Consent Type:** Right-of-way (easement)

Purpose and Effect: To sever a right-of-way in favour of Giant Tiger at Pt. Lot ¾ Conc. 2 Drummond, now in the Town of Perth – 88-90 Dufferin Street.

(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.

County Official Plan – Section 2.0 Settlement Policies, Section 8.2.2 Consents.

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

Local Official Plan – Section 3.0 Basis of Plan, Section 4.0 Economic Development, Section 5.5.1 Provincial Highway, Section 5.5.4 Local Roads, Section 8.0 Community Development, Section 8.7 Highway Commercial District Designation, Section 9.11.15 Subdivisions, Consents and Part-lot Control.

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

Zoning By-law - Section 4 General Provisions, Section 12.0 Highway Commercial (C2) Zone.

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

(b) **AGENCY REVIEW**

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

Town Planner's Report

On behalf of the Town of Perth and pursuant to By-law No. 3344, (delegating authority to the Town's Planner), please be advised that the Town has no objection to a provisional consent being granted to the above noted application proposing two rights-of-way in favour of the property at 88-90 Dufferin Street over the Crombie Property Holdings Ltd. site at 80 Dufferin Street subject to the comments herein and the conditions set-out in the attached municipal commenting form.

As indicated in the comments form, the Town has reservations about the application regarding the potential use of the Wilson Street entrance for all or a substantial majority of commercial delivery vehicle traffic to both properties to. Neither this entrance nor the intersection with Highway 7 are presently ideal for truck movements. In addition, there is potential for an intensified use of the Wilson Street access to be less desirable or to conflict with the intended function of the street. This may become a concern for the Town, particularly once development progresses in the northerly area of the Town beyond Highway 7 or if a new arterial road is completed. Accordingly the Town is requesting that this concern be acknowledged as a condition of consent approval.

Further, we also note that the right-of -way to the rear of the property will extend through the south-westerly corner of the Perth Mews Mall site. The original drainage plan and current grading of the property are such that this corner stores drainage from most of the Mall site during intense storm or run-off events. It has and will become inundated to a depth of a meter or more in such instances and as such will not useable for access from time to time.

I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the undersigned at the Town of Perth Planning Department. I confirm that the applicant has paid the mail list fee and the Town's review fee.

If you r require further information, please do not hesitate to contact me at your convenience.

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

- 1/ The applicant provide a letter acknowledging the Town of Perth has reservations about truck traffic and the function of Wilson Street at the existing Mall entrance, particularly in the event that all deliveries to both properties are directed to the said entrance. Further that the applicant express a willingness to consider a mutual access easement agreement with the owner of the benefitting property at 88-90 Dufferin Street in the event the Town determines through a traffic master plan study or future traffic evaluation that the function of Wilson Street would benefit from such an easement.
The Town would appreciate a comparable acknowledgement letter being submitted by the owner or prospective owner of the benefitting lot but is not requesting that this be a condition of consent.

2. If a reference plan is required to establish the proposed rights-of-way then two hard copies and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.

Advisory Notes: The Owner and the prospective owner of the property at 88-90 Dufferin Street be cautioned that the proposed right-of-way anticipated to permit delivery truck access across the rear of the abutting property at 80 Dufferin Street will transect the south westerly corner of said property which is part of a temporary storm water containment area. As such, during and after intense storm or run-off events that area of the property and the proposed right-of way will be inaccessible. Accordingly, the site at 88-90 Dufferin Street will need to be designed in a manner that will facilitate commercial delivery vehicle access from Dufferin Street.

MTO Kingston Area Office – No comments were received.

(c) **PUBLIC INPUT**

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

Eric Fox – December 9, 2013

This letter is being written to address the Notice of Application noted above your office sent to me dated November 22, 2013.

I own the property in the Town of Perth identified as 118 Wilson Street West. More specifically, on the reference map your Notice included, this is the area marked as "Industrial" and a portion of the zone marked as "Residential" alongside one another in the South/South East portion of the map facing Wilson Street West.

As I have not been included in any discussions involving a "Right Of Way" as applicable to the Proposed ROW indicated on the map at it's southern/eastern edge, I find this Application surprising, as per the following:

[In the early 1970's, the previous owner of the property I now own had negotiated what was termed a "Courtesy Access" to the area identified as "Industrial"- this courtesy access agreement was with the original shopping mall builder/owner, and since that time a gate in the fence separating the Industrial area and the plaza property immediately alongside the proposed ROW route has been present, utilized on occasion and been kept clear of growth to facilitate access when required.

The Application by Crombie Property Holdings/Declan Corporation (I believe this may have been a typographical error and the Agent should have been listed as "Delcan Corporation") as applicable to the southern Proposed ROW is a surprise to me as I have not had anyone attempt to communicate with me in order to accommodate the existing courtesy access provisions. As this has obviously not been attempted by the property owner or agent, I believe any alterations to the existing zoning or ROW provisions should absolutely include my agreement and/or accommodation- for example, as a minimum, granting me ROW on the southern-most route of the Proposed ROW along the length of my property.

Additionally, I am not entirely confident that a new ROW which seems oriented at tying the property identified as "Giant Tiger Sites" into the existing shopping mall property serves a worthwhile purpose for the surrounding area. Currently, the mall entrance on the South/Southeast side facing Wilson Street West is extremely busy seven (7) days of nearly every week from approximately 8:00am to 8:00pm. The current amount of traffic coming out of the shopping plaza already inhibits the residents (4 homes) adjacent to the mall entrance running down Wilson Street West from entering and exiting their driveways safely during these periods, and for extended periods in the summer and holiday periods of the year. As the Proposed ROW seems to be oriented at increasing incoming and outgoing traffic from this mall entrance as a result of allowing the "Giant Tiger Sites" direct access to it, this situation can only be to the further detriment of the residents mentioned and the already existing traffic flow in this area. This entrance/exit, due to the layout of the intersection and Wilson Street West is not conducive to effective truck movement, so the only purpose behind connecting the "Giant Tiger Sites" would seem to be to allow regular small vehicle traffic to have additional entry/exit points to these sites which are already accessible directly from Highway 7- a situation that did not seem to be a problem for the previous occupant of the site of 88-90 Dufferin Street, a "Home Hardware" retail store oriented at the general public for the many years it held its operations on/at that site.

As a result of the above-mentioned conditions, I am making this submission as per your instructions and recommending that the southern-most Proposed ROW on the provided map NOT be approved at this point-in-time and the Owners/Agents of the property (-ies) not entertain ideas of re-submitting Consent Applications to Lanark County until such time as they have addressed myself and other affected property owners directly to determine viable solutions to the concerns I have listed in this submission.

I also request that any Public Meetings to be held and/or Notices of Decision issued be sent to me at the earliest opportunity as this application activity progresses so that I may have a fair and equitable opportunity to act/respond as I or my representatives may deem necessary.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a Right-of-Way (Easement) in two locations across the Crombie Plaza site to provide access to the Giant Tiger retail store located to the west of the Crombie Plaza. Route 1 – traverses from Wilson Street along the rear of the Plaza to the Giant Tiger site and Route 2 traverses from the main access at the street lights on Hwy 7 across the side of the Independent Store to the Giant Tiger site.

The r-o-w (easement) accesses onto Highway 7 a provincial highway and Wilson Street, a municipally maintained road.

Official Plan Policies

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

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

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

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

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands 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 Perth and could be given favourable consideration.

(e) Minutes – December 16, 2013

Ana Stuermer, Planner – Delcan, Ron Clark, Planner – Delcan and Eric Fox, adjacent landowner, attended the hearing and gave evidence under oath.

Mr. Clark provided background information on the purpose of the application. Noting that the purpose of the application is to integrate access between the Perth Mews Mall and the new Giant Tiger Store.

Mr. Fox advised that his property which abuts the Crombie Property has two separate zoning designations, residential at abutting Wilson St and Industrial (vacant) at the rear of the property, and that he has a 'courtesy' r-o-w from the parking lot onto the industrial portion of his lands. He also noted that he is concerned with the increased traffic, especially truck traffic.

Mr. Clark advised that through their title search, they have not been able to locate any registered easement or r-o-w in favour of Mr. Fox. And that the owners are willing to negotiate with Mr. Fox if that is his desire.

Mr. Clark provided a letter outlining the forecasted truck volume that would be required for the Giant Tiger Store.

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"**THAT**, application B13/141 – Crombie Property Holdings be deferred to provide the applicant with an opportunity to discuss the potential of an access easement with Mr. E Fox and that confirmation be obtained that HONI has an access easement for the sub-station located adjacent to the Crombie property."

ADOPTED

(f) PLANNING REPORT - ADDENDUM

Background and Summary

The applicant proposes to sever a Right-of-Way (Easement) in two locations across the Crombie Plaza site to provide access to the Giant Tiger retail store located to the west of the Crombie Plaza. Route 1 – traverses from Wilson Street along the rear of the Plaza to the Giant Tiger site and Route 2 traverses from the main access at the street lights on Hwy 7 across the side of the Independent Store to the Giant Tiger site.

The r-o-w (easement) accesses onto Highway 7 a provincial highway and Wilson Street, a municipally maintained road.

The Committee deferred decision on the application to provide the applicant with an opportunity to discuss the potential of an access easement with Mr. E Fox and that confirmation be obtained that HONI has an access easement for the sub-station located adjacent to the Crombie property."

Crombie Property Holdings be deferred to provide the applicant with an opportunity to

(g) ADDITIONAL INFORMATION

As requested by the Committee, the Secretary-Treasurer contacted HONI, MTO and the Town of Perth. As well Ms. Stuermer obtained legal confirmation regarding Mr. Fox's easement/r-o-w access.

Confirmation was received from MTO that they have no concerns with the easement application. December 16, 2013

Confirmation was received from Hydro Ontario that they have no comments or concerns with this application. December 19, 2013

Letter from Merovitz Potechin – January 6, 2014

We are solicitors for Crombie Property Holdings Limited ("Crombie"). We are also solicitors for Sobeys Capital Incorporated/Sobeys Developments Limited Partnership ("Sobeys"), the owners of the property immediately south of the property owned by Crombie.

We understand that an application for consent to create a right of way has been made in the above noted file. We have also received and reviewed a copy of a letter dated December 9, 2013, from Mr. Eric Fox. Mr. Fox claims a "Courtesy Access"

for access from his property, across the property currently owned by our client. Mr. Fox indicates that the Courtesy Access was by agreement with the previous owner of the shopping mall.

We have reviewed the titles to the property owned by Crombie (PIN 05172-0001) and the property owned by Sobeys (PIN 05172-0011 and PIN 05172-0018). There is currently no courtesy agreement, right of way or other instrument registered in favour of Mr. Eric Fox with respect to any of the aforementioned titles.

Based on Mr. Fox's letter that indicates his access was by agreement with the previous property owner, and recognizing that no such agreement has been registered on title to either the property owned by Crombie or the property owned by Sobeys, it is our opinion that Mr. Fox has not established any legal right of access across the property of Crombie or Sobeys.

Response from the Town of Perth - January 8, 2014

In response to your email of December 19th please find my comments outlined below.

1/ Confirmation that Mr. Fox's property fronts onto Wilson Street;

The property of Mr. Fox is just over 4,254 m² (1 acre) in area with over 31 m (104 ft .) of frontage on Wilson Street.

2/ Confirmation that access to the residential and industrial zoned lands is via Wilson Street;

The only access to the property that I am aware of is from Wilson Street. However, the Industrial Zone is land locked with no frontage on Wilson Street.

3/ If the industrial portion of his lands were to be developed - what are the restrictions and would a second entrance onto Wilson Street be permitted;

The Industrial (M2) Zone commences roughly 50 m from Wilson Street. The presence of developed residential lots and residential zoning limits the range of uses that could be considered. The fact that the Industrial portion of the site is vacant and land locked complicates the use potential as Section 4.29 of the Zoning By-law specifies that driveways serving an industrial or commercial use shall not pass through a Residential Zone.

Accordingly, it appears that a zoning amendment would be needed to develop that portion of the property without the right-of way. Since the property is in the Highway Commercial Designation, the industrial zoning is not consistent with the Official Plan and could not be expanded. The property could be rezoned for Commercial use. Given the proximity of the property to the existing signalized entrance, I expect that a commercial entrance onto Wilson Street would be difficult to obtain and at a minimum would need to be supported and designed in accordance with a formal traffic impact report by a qualified engineer. I suspect that a right-of-way from the Crombie site might be preferable if a commercial use of the Fox property were proposed. On the face of it I don't think the Town would oppose that sort of arrangement as an alternative to a commercial entrance onto Wilson Street but it is likely that the Town would want to have information about the specific use(s) intended and the character of the traffic demand and redevelopment of the property would require a site plan approval process.

- 4/ If Application B13/141, were to be revised to include an easement / r-o-w in favour of the Fox lands, would the conditions / comments previously provided by the Town of Perth (December 11,2013) remain unchanged or would you be issuing new / revised comments/conditions?

I anticipate the Town would want to consider the need for additional conditions with respect to a proposal to provide a right-of-way to the Fox property. Given the non-conforming and apparent land-locked status of the industrial portion of the site, it would be appropriate for the Town to be very cautious about the nature of the access being created.

A proposal to create access for property maintenance or for development of an accessory use/structure would not be a concern. However if the intent is to facilitate new development I anticipate the Town would want to ensure any new development is consistent with the Official Plan. The ability to limit the scope of the right-of -way; i.e. to stipulate its use, perhaps by way of a three party agreement would need to be considered.

Since the current industrial zone is non-conforming to the Official Plan, the Town is likely to want the land rezoned as a condition of creating a right-of way intended to facilitate commercial traffic. It is also likely that the Town would want a holding provision applied to ensure the site is not developed until a formal site plan process is completed.

If you require further information, please do not hesitate to contact me at your convenience.

(h) MINUTES – January 13, 2014

Ana Stuermer, Planner – Delcan, Ron Clark, Planner – Delcan and Eric Fox, adjacent landowner, attended the hearing and were advised that they were still under oath from the Dec. 16, 2013 hearing.

Christine Yee of Sobey's Developments, Bram Potechin of Merevitz Potechin LLP and James Bond, solicitor for the Eric Fox attended the hearing and gave evidence by affirmation.

Eric Fox submitted the following letter, dated January 10, 2014 and advised that he would not be able to attend the hearing:

As per my intent following the Land Division Committee Public Meeting of December 16, 2013, I have endeavored to work with Sobey's Developments Limited Partnership/Crombie Property Holdings Ltd. (owner of the properties identified on surveys as "Crombie Plaza Site" and "Giant Tiger Sites") in order to circumvent potential traffic issues relating to their proposed Right of Way and my property adjacent to their plaza.

It is my intent to, in as much as is possible, prevent increased future traffic and safety issues in the Wilson Street West/Highway 7 area based on commercial use and access by the occupants of the Crombie Plaza and adjacent lots (mine included).

Upon speaking with Christine Yee of Sobey's Developments and being informed by her that Sobey's has "no interest" in accommodating anything other than the ROWs they

have made application to in this file, and being informed by Ms. Yee that they have "no record" of the Courtesy Access from my property identified as 118 Wilson Street West ("Industrial" site on survey) to their driveway, I have been left scrambling to address this situation.

In order to ensure any use I may make of the land identified as "Industrial" (on the Application for Consent aerial view of the area) in future would not negatively impact the traffic situation and the people of the Town of Perth or be limited as a result of Sobey's denial of the Courtesy Access existence and their apparent unwillingness to make any accommodations on Rights of Way despite the proposed increase in traffic this Right of Way will naturally create, I have endeavored to pull together resources outlining issues that this proposed Right of Way will cause in the near- and longer-term future if it is granted in its current proposed state.

In order to maintain some semblance of traffic structure to the area of Wilson Street West, the driveway access from the plaza property to Wilson Street West and my property both presently and in the future, some advanced planning seems appropriate. When the day comes that I may develop the Industrial Site, without being party to this Right of Way application and Sobey's claiming no knowledge of the Courtesy Access, I will be left with little choice but to use my lot immediately adjacent to the plaza driveway as a driveway- likely causing increased driver and pedestrian confusion and possibly safety over and above what will be caused by any increased traffic flow as a result of the proposed Right of Way in this file.

In the submission by Delcan Corporation at the December 16 Public Meeting, the possible increase in truck traffic in the area as a result of a new Right Of Way was outlined, but regular vehicle and pedestrian traffic (i.e. that of the general public) was not addressed, and in my opinion it should be addressed- both for the immediate and longer-term future based on property use- that of Crombie/Sobeys, Giant Tiger and myself.

Since December 13, 2013 I have spoken with Executors of the estate of the original owners of my property, family members familiar with their affairs and have consulted with the law firm of Bond & Hughes, the Town of Perth and Lanark County in order to locate appropriate supporting documentation regarding the existence of provisions/agreements related to my property and that of Sobey's Developments. Unfortunately, at this time of year, many people have been out of their offices and not available.

Additionally, after speaking with Eric Cosens at the Town of Perth, I was informed that all the documentation relating to the Ontario Municipal Board proceedings when the plaza project was being proposed have been sitting in storage for over 30 years, not indexed or audited for public release; a time consuming endeavor. This is a further barrier to being able to access past events, agreements and decisions and one that could not be overcome in the few weeks between December 16, 2013 and January 13, 2014 with the holiday period in-between.

As a result of these issues and the rather constrained timeframe over the holiday season, I do not believe I have been afforded a reasonable and fair opportunity to address this file/proposal in an appropriate manner and ask that the application from Crombie Property Holdings be referred to your next meeting in February 2014 so that I may be afforded adequate time to gather documentation in order to assist in finding an equitable and appropriate resolution aimed at minimizing any potential future problems with traffic in the Wilson Street West, Highway 7 area of Perth.

If you have any questions or need clarifications, please do not hesitate to call me at (613) 464-1228.

Mr. Clark advised that Mr. Fox had been contacted since the previous hearing and that his client had obtained a legal opinion regarding the possible easement to Mr. Fox's property, noting that no 'legal' easement and/or r-o-w was registered.

Mr. Clark also noted that there is no land use plan or site plan proposed for the Fox property and therefore it was difficult to prepare a planning analysis on whether or not an easement to the Fox property from the Crombie property would be appropriate. Also, that the Town of Perth has confirmed that the zoning does not conform to the Official Plan designation. Given the uncertain nature of the 'Industrial' use, it would be premature for his client to grant access from the mall property.

Ms. Stuermer confirmed that Hydro One had been contacted and they do not require an easement.

Mr. Potechin confirmed that he had reviewed the deeds for both the Crombie Plaza and Mr. Fox's lands and there is no legal access registered. If there was a 'courtesy' agreement that would have been with the land owners, and such an agreement would not run with the lands. Also, Mr. Fox's industrial lands are not land-locked, as his property has 'dual' zoning and there is access onto Wilson Street.

Mr. Bond advised that he was representing Eric Fox and that he was instructed to request that the Committee further defer the hearing to allow sufficient time for Mr. Fox to research his rights regarding access.

Ms. Yee noted that Sobey's has entered into a purchase and sale agreement with Giant Tiger and that they have been working for a number of months on the details of the easement agreement for access across the Crombie Plaza.

Both Mr. Potechin and Mr. Bond agreed that if there was an unregistered agreement, that this matter should be dealt with by the courts and not through the Land Division Hearing process.

The Committee considered Mr. Fox's request for deferral and agreed that there would be no benefit in delaying the decision any further. And that Mr. Fox should approach Crombie Plaza directly to work out an agreement for easement; however Mr. Fox needs to have a plan in place in order for the Town to consider the merits of the proposal.

Committee reviewed the staff report and draft conditions.

(i) **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 applicant provide a letter acknowledging the Town of Perth has reservations about truck traffic and the function of Wilson Street at the existing Mall entrance, particularly in the event that all deliveries to both properties are directed to the said entrance. Further that the applicant express a willingness to consider a mutual access easement agreement with the owner of the benefitting property at 88-90 Dufferin Street in the event the Town determines through a traffic master plan study or future traffic evaluation that the function of Wilson Street would benefit from such an easement.
4. The applicant shall provide the Town of Perth with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. A letter shall be received from the Town of Perth stating that condition #3 and #4 has been fulfilled to their satisfaction.

NOTES

1. *The Town of Perth would appreciate that an acknowledgement letter be submitted by the owner or prospective owner of the benefitting lot acknowledging that the Town of Perth has reservations about truck traffic and the function of Wilson Street at the existing Mall entrance, particularly in the event that all deliveries to both properties are directed to the said entrance.*
2. *The Owner and the prospective owner of the property at 88-90 Dufferin Street be cautioned that the proposed right-of-way anticipated to permit delivery truck access across the rear of the abutting property at 80 Dufferin Street will transect the south westerly corner of said property which is part of a temporary storm water containment area. As such, during and after intense storm or run-off events that area of the property and the proposed right-of way will be inaccessible. Accordingly, the site at 88-90 Dufferin Street will need to be designed in a manner that will facilitate commercial delivery vehicle access from Dufferin Street.*

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.3 Agriculture

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

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

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

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

Local Official Plan – Section 3 General Provisions, Section 4.10 Waste Disposal Site, Section 4.3 Rural Policies, Section 4.6 Wetlands Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

Thank you for circulating the Township of Drummond/North Elmsley 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 on the application, Mr. Baarda seeks permission to sever a roughly 60 acre landlocked parcel of his lot and merge it with an adjacent farm lot immediately to the west that is owned by Peter Timmins. The proposed severed lot is primarily pasture and this application has the effect of an agricultural lot addition. Mr. Baarda would retain a 20 acre landholding which contains a dwelling that is directly accessed from Drummond Cone. 7. The Baarda property is part of a much larger lot of record, which has been severed several times over the years (most recently in 2010), with the effect of creating three new lots, plus the retained. As such, as per the Lot Creation policies of the Township's Official Plan, the lot would not be eligible for additional severances. In this case however, the application involves a lot line adjustment that does not have the effect of creating an additional lot and consequently this application is not contrary to that policy.

The severed, retained and recipient lands are all designated Rural in the Township's Official Plan, although a small portion of the severed lands (at the south end of the lot) are covered by a potentially significant woodland overlay. Since the application does not propose nor facilitate new development, an EIS was not requested by the Township. The application was also reviewed and determined to comply with all other applicable provisions of the Official Plan, including Rural Character, Rural Designation, Agriculture and Division of Land. The retained Baarda lot is large enough for a hobby farm. While not addressed in detail in the Official Plan's policies, it should be noted for the purchaser's information that a municipal drain passes through a central portion of the severed parcel.

With respect to the zoning, the entire area is appropriately zoned Rural and this application does not create nor exacerbate any non-complying conditions on either the recipient, severed or retained lands.

Given the foregoing, Drummond/North Elmsley Township supports this application as submitted, provided that the conditions as indicated on the attached Municipal Reply Form are met. Trusting this is sufficient for now, please do not hesitate to contact the undersigned if you require any additional information.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The severed lands shall be for a lot addition only to adjacent lands as identified in the Application

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 MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include

wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 24.77 ha landholding as a lot addition to the adjacent lands. The retained land is 8.3 ha, and is already developed. The lot to-be-enlarged is also developed.

PROPERTY CHARACTERISTICS

According to a review of available mapping and aerial photography, a municipal drain, referred to as the William Ireton Municipal Drain, flows across the northern portion of the proposed severed lands. This drain is classed as F, with no fish habitat identified. In addition, a portion of a large unclassified wetland exists in the southeast corner of the severed lands. An unnamed watercourse flows through this wetland area. No natural heritage features were identified on the proposed retained lands.

REVIEW

Natural Heritage Values

The retained land and lot-to-be enlarged are already developed with no new development proposed at this time. Therefore, impacts to the identified natural heritage features are not anticipated as a result of the subject application.

Natural Hazards

Wetlands inherently consist of organic soils. The poor drainage and unstable characteristics of these soils makes them unsuitable for development. Therefore, development should be directed outside of these areas. Given that the retained land and lot to be enlarged are already developed with no new development proposed at this time, we do not have any concerns in this regard for the subject proposal.

CONCLUSION

MVCA does not have any objections to the subject lot addition. We recommend that the unclassified wetland remain undisturbed.

NOTES

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

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

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

(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:

Peter Reynolds Timmins – Dec 24, 2013

I, Peter Reynolds Timmins, support application B13/149 and am in favour of a positive provisional consent be given. The 24.77 ha lot addition is a continuation of a natural lay of land (fall) from west to east for farming purposes.

I would like to be notified of the public meeting an notification of the decision of the Land Division Committee in respect of the proposed consent.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever 24.7-ha agricultural landholding as a lot addition to lands owned by Peter Timmins at Pt. West Lot 16 Conc. 6 Drummond and retain an 8.3-ha landholding with an existing residence at 1569 Drummond Con 7.

The subject lands are located in an area characterized by large landholdings, the southern portion of the lands is affected by the Waste Disposal Site, however no dwellings are proposed for the lands.

The lands to be enlarged at access via Code Road, a municipally maintained road.

Soils Inventory – Name: North Gower
- Stoniness: non stony
- CLI: 2 – moderate limitations
- Drainage: poor
- Hydrogeology: moderate

Bedrock Inventory – Dolostone, sandstone

Official Plan Policies

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

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

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

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

3/ Woodlands

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings.

Conclusion

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

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

(e) **MINUTES – January 13, 2014**

John Baarda, owner attended the hearing and gave evidence under oath.

Mr. Baarda advised that the Township Waste Site influence area is on the southern section of the property, however not dwellings will be constructed – agricultural lands only.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Peter Reynolds Timmons described as West Part Lot 16 Conc. 6 geographic Township of Drummond, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority recommend that the unclassified wetland remain undisturbed.*
2. *The MVCA also advise that in the event shoreline work is proposed along the watercourse or drain, written permission may be required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on*

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

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

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