
The Land Division Committee met in regular session on Monday, September 8, 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

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1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF MINUTES

MOTION #LD-2014-27

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"**THAT**, the minutes of the Land Division Committee meeting held on August 11, 2014 be approved as circulated."

ADOPTED

4. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2014-28

MOVED BY: D. Murphy

SECONDED BY: W. Guthrie

"**THAT**, the agenda be adopted as circulated."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None

6. NEW APPLICATIONS

The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m. and 1:30 p.m. public hearings.

- 6.1 **B13/160 – Joanne June Taggart – new lot**
Pt. Lot 15 Conc. 3 geographic Township of North Burgess, now in Tay Valley Township. Mica Point.
- 6.2 **B14/024 – Michael & Lynn James – lot addition**
Pt. Lot 17 Conc. 2 geographic Township of South Sherbrooke, now in Tay Valley Township. Christie Lake Lane 41.
- 6.3 **B14/061 – Andrew & Michele Stead – lot addition**
NE 1/2 Pt Lot 28 Conc. 10 geographic Township of North Elmsley, now in the Town of Perth. Industrial Road.
- 6.4 **B14/026 - Calvary Christian Academy – new lot**
Pt. Lot 10 Conc. 2 Township of Beckwith. Irvine Street.
- 6.5 **B14/027 – Gerard & Adele Chatelain – new lot**
Pt. Lot 6 Conc. 6 geographic Township of Darling, now in the Township of Lanark Highlands. Tatlock Road.
- 6.6 **B14/028 – Claude and Cora Nolan – new lot**
Park Lot 1 Conc. 3 Township of Beckwith. Church Street.
- 6.7 **B14/030 - Joan Seligman – new lot**
Pt. Lot 20 Conc. 6 geographic Township of Bathurst, now in Tay Valley Township. Harper Road.
- 6.8 **B14/031 – Richard and Vivianne Wright – lot addition**
Pt. Lot 12 Conc. 12 geographic Township of Pakenham, now in the Town of Mississippi Mills. Dark’s Side Road.
- 6.9 **B14/033 - 882730 Ontario Inc. – lot addition**
Pt. Lot 150 Plan 9262 Almonte, now in the Town of Mississippi Mills. Almonte Street.

Recess for Lunch – reconvene 1:30 p.m.

- 6.10 **B14/041 & B14/042 – Mary Cheryl McElrone – two new lots**
Pt. Lot 6 Conc. 8 geographic Township of Darling, now in the Township of Lanark Highlands. Darling Road.
- 6.11 **B14/043 – Glenn H Crain Ltd. – easement**
Pt. Lot 3 Plan 8828 Town of Perth. Gore St East.
- 6.12 **B14/044 and B14/045 – Bakers Quarry Inc. – two new lots**
Pt. Lot 12-16 & 7-11 Plan 6262 Almonte, now in the Town of Mississippi Mills. Carss Street.
- 6.13 **B14/059 - Manfred Schuck – new lot**
Pt. Lot 5 Plan 6262 Almonte, now in the Town of Mississippi Mills. Adelaide Street.

7. AWAITING DECISION

- 7.1 **B14/005, B14/006 & B14/007 – Joyce Ford & Jonathan Robinson – three new lots**
Pt. Lot 3 Conc. 10 geographic Township of Ramsay, now in the Town of Mississippi Mills. Apple Street None

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

- 9.1 Hydrogeological Investigations - deferred to next meeting.
- 9.2 Special Meeting

MOTION #LD-2014-29

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

"THAT, the Land Division Committee hold a Special Committee Meeting and Hearing on Friday, October 17, 2014 (9:00 a.m. and 9:30 a.m. respectively) to hear Consent File Nos. B13/069, B13/070, B13/071, B13/072 and B13/073 – Young / Paterson-Young."

ADOPTED

10. PROVISIONAL CONSENT GRANTED

- 7 - 16 10.1 **B13/160 – Joanne June Taggart – new lot**
Pt. Lot 15 Conc. 3 geographic Township of North Burgess, now in Tay Valley Township. Mica Point.
- 17 - 25 10.2 **B14/024 – Michael & Lynn James – lot addition**
Pt. Lot 17 Conc. 2 geographic Township of South Sherbrooke, now in Tay Valley Township. Christie Lake Lane 41.
- 26 - 31 10.3 **B14/061 – Andrew & Michele Stead – lot addition**
NE 1/2 Pt Lot 28 Conc. 10 geographic Township of North Elmsley, now in the Town of Perth. Industrial Road.
- 32 - 38 10.4 **B14/026 - Calvary Christian Academy – new lot**
Pt. Lot 10 Conc. 2 Township of Beckwith. Irvine Street.
- 39 - 49 10.5 **B14/027 – Gerard & Adele Chatelain – new lot**
Pt. Lot 6 Conc. 6 geographic Township of Darling, now in the Township of Lanark Highlands. Tatlock Road.
- 50 - 55 10.6 **B14/028 – Claude and Cora Nolan – new lot**
Park Lot 1 Conc. 3 Township of Beckwith. Church Street.
- 56 - 63 10.7 **B14/033 - 882730 Ontario Inc. – lot addition**
Pt. Lot 150 Plan 9262 Almonte, now in the Town of Mississippi Mills. Almonte Street.
- 64 - 72 10.8 **B14/041 & B14/042 – Mary Cheryl McElrone – two new lots**
Pt. Lot 6 Conc. 8 geographic Township of Darling, now in the Township of Lanark Highlands. Darling Road.
- 73 - 77 10.9 **B14/043 – Glenn H Crain Ltd. – easement**
Pt. Lot 3 Plan 8828 Town of Perth. Gore St East.
- 78 - 90 10.10 **B14/044 and B14/045 – Bakers Quarry Inc. – two new lots**
Pt. Lot 12-16 & 7-11 Plan 6262 Almonte, now in the Town of Mississippi Mills. Carss Street.

- 10.11 **B14/059 - Manfred Schuck – new lot**
Pt. Lot 5 Plan 6262 Almonte, now in the Town of Mississippi Mills. Adelaide Street.

11. PROVISIONAL CONSENT DEFERRED

- 11.1 **B14/030 - Joan Seligman – new lot**
Pt. Lot 20 Conc. 6 geographic Township of Bathurst, now in Tay Valley Township. Harper Road.

MOTION #LD-2014-30

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

"THAT application B14/030 be deferred to provide the applicant with an opportunity to consider alternative options:

1. Increase the lot size by splitting the merged lands in two parts; or
2. Re-zone the lot to be severed to recognize the undersized lot;

AND that the application be brought back to committee at the request of the applicant."

ADOPTED

- 11.2 **B14/031 – Richard and Vivianne Wright – lot addition**
Pt. Lot 12 Conc. 12 geographic Township of Pakenham, now in the Town of Mississippi Mills. Dark's Side Road.

MOTION #LD-2014-31

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

"THAT application B14/031 be deferred to provide the secretary-treasurer with an opportunity to review the application further with the Planner for the Town of Mississippi Mills;

AND that the application be brought back to committee as soon as now information is available."

ADOPTED

11.3 **B14/005, B14/006 & B14/007 – Joyce Ford & Jonathan Robinson – three new lots**

Pt. Lot 3 Conc. 10 geographic Township of Ramsay, now in the Town of Mississippi Mills. Apple Street None

MOTION #LD-2014-32

MOVED BY: D. Murphy

SECONDED BY: W. Guthrie

"THAT, applications B14/005, B14/006 and B14/007 be deferred in order that the applicant revise the sketch to show lot sizes to be all within the 0.4-ha size."

ADOPTED

12. UPCOMING MEETINGS AND NOTICES

Tuesday, October 14, 2014 @9:00 a.m. LDC Meeting
(R Strachan advised that he would not be in attendance);
Friday, October 17, 2014 @9:00 a.m. Special LDC Meeting;
Monday, November 10, 2014 @9:00 a.m. LDC Meeting
(D Murphy advised that he would not be in attendance);
Friday, November 7, 2014 – Warden’s Banquet;
Monday, December 8, 2014 @9:00 a.m. LDC Meeting;
Tuesday, December 16, 2014 –
Inaugural Meeting of New County Council; and
Wednesday, December 17, 2014 –
Appointment of new Land Division Committee

13. ADJOURNMENT

MOTION #LD-2014-33

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"THAT, the meeting adjourn at 3:00 p.m."

ADOPTED



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Joanne June Taggart **Hearing Date:** Sept 8, 2014
Agent: Michelle Taggart
LDC File #: B13/160
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 15 **Conc.:** 3
Roll No. 0911 911 020 08001 **Consent Type:** new lot

Purpose and Effect: To sever a 0.44-ha residential lot with an existing cabin and retain a 3.99-ha residential lot with an existing cottage and garage located at 100 Mica Point.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Seasonal residential Seasonal residential	Residential Residential
Area	0.439-ha	3.9896-ha
Frontage – road	20 m	133 m
Frontage - water	60 m	150 m
Depth	58 m	200 m
Road - Access to	Private Road	Private Road
Water Supply	Lake	Lake
Sewage Disposal	Proposed	Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning By-law Category	Seasonal Residential	Seasonal Residential
-Area Required (min.)	0.405-ha	0.405-m
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

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 (h)).

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 unless significant archaeological resources have been conserved.

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluate and it has been demonstrated that the heritage

attributes of the protected heritage property will be conserved.

Section 2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.0 Natural Heritage, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 General Development Policies, Section 2.18 Cultural Heritage and Archaeological Resources, Section 3.4 Natural Heritage, Section 3.6 Rural, 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, Section 5.3 Limited Services Residential.

Tay Valley Township advises that the proposal does not comply with the zoning by-law regulations. Re-zoning will be required.

(b) AGENCY REVIEW

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

Town Planner's Comments

The proposal is to sever a 0.44-ha parcel of land with an existing cabin and retain a 3.99-ha parcel with an existing cottage and garage at 100 Mica Point. Section 5.2.4 of the Official Plan – Land Division requires rezoning to RLS for lots created on private roads on waterfront.

Zoning - The proposal does not comply with the zoning by-law – rezoning to RLS is required. Retained lot: 3.9-ha Severed lot 0.44-ha. Both lots meet the minimum zoning provisions for Limited Service Residential.

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

- 1/ Payment of all taxes owing
- 2/ Payment of all costs incurred by the Township for review.
- 3/ 2 copies of Deed/Transfer
- 4/ 2 copies of the reference plan.
- 5/ Parkland contribution of \$200.

Rideau Waterway Development Review Team

The Rideau Waterway Development Review Team (RWDRT) has reviewed the noted application on behalf of the Rideau Valley Conservation Authority (RVCA) 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.
- Rideau Valley Conservation Authority regulations-Section 28 of the Conservation Authorities Act,
- the considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study".

and Parks Canada - Rideau Office within the context of:

- the Federal fisheries Act,
- the Historic Canals Regulations and the associated Heritage designation of the Canal.

The Proposal

The proposed severance will result in a new .44 ha parcel (with existing unserviced cabin structure) fronting on Big Rideau Lake. The retained developed parcel will be approximately 3.99 ha in area.

The Property

The proposed severed lot has a gentle slope to water. Soil and vegetation cover are stable; native vegetation, mainly maturing hardwood over shallow well drained soils occupy the site.

There are no significant (flood or erosion hazards) affecting this property so as to preclude the lot creation.

There are no significant wetlands in the vicinity which would be impacted by this lot creation.

There are no water access structures on the frontage or the proposed lot. The retained lot has an elevated stone patio immediately upland of the high water mark and a boat port in the water. There appears to be a small amount of pea stone placed at the water's edge on the retained parcel and a maintained lawn area also fronts the lake on the proposed retained lot in/around the existing cottage.

Recommendations

On behalf of the Rideau Valley Conservation Authority and Parks Canada-Rideau Canal Office, we do not object to the creation of the new lot.

However, we recommend the following conditions be imposed on the new lot to recognize that:

- Development and disturbance setback respect a minimum 30 metre setback from the normal high water mark of Big Rideau Lake, within which the existing native buffer be maintained and/or enhanced (soil cover, native ground cover, shrubs and trees), excepting a modest pedestrian access to the shore.
- Parks Canada - Rideau Canal Office is the approval authority for all in-water works along the Canal system. If the landowner wishes to carry out any new in-water works for any shoreline work including but not limited to docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices. Care must be taken with any work, and/or development such that no harmful alteration, disruption or destruction of fish habitat will result. The Rideau Canal Office must be contacted and written approval obtained prior to the commencement of construction. Any disturbance of the shoreline may affect fish habitat.
- Regarding the Rideau Canal National Historic Site Management Plan Parks Canada has committed to the people of Canada for the ongoing conservation and stewardship of the waterway. One of the guiding principles for the vision of the Rideau Canal is that the historic values, natural features, scenic beauty and diversity of cultural landscapes constitute its unique heritage character and should be respected (Sect. 3.2, p.16).

- With the inscription of the Rideau Canal as a UNESCO World Heritage Site in 2007, the World Heritage Committee recommended the protection of the visual setting of the Canal in order to ensure the visual values of the setting are protected alongside environmental values. One way this can be done is through limiting development within the 30 m buffer zone. Parks Canada staff recommends that any new development be unobtrusive, visually screened and integrated within the vegetation and topography.

For the owner's information, please note that the shoreline of Big Rideau Lake and works/site alterations below 124.51 metres geodetic are now also subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act. Proposed development and alteration on the site and the shoreline of Big Rideau Lake should have regard for this elevation. In the future, a permit may be required for such works.

We support the installation of additional native plantings between the existing residence (retained lot) and the water, excepting the access leading to the dock. The RVCA has programming (the "Rural Clean Water Program" and the "Shoreline Naturalization Program") to assist with this voluntary planting effort. Our contact at the Conservation Authority's Land Owner Resource Centre can help (1-800-267-3504 x 1128 or x 1132).

Please advise us on the Committee's decision respecting this application or any changes in the status of the application. Thank you for the opportunity to comment and please do not hesitate to contact the undersigned should you have any questions.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted February 24, 2014.

The applicant proposes to sever 0.439 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is developed with a cabin that is greater than 50m from Big Rideau Lake. The cabin is serviced by a Class 4 sewage system located on the retained parcel. No test pits were provided.

The retained parcel is approximately 3.9896 hectares. The property is developed with a cottage, garage and boathouse. The Class 4 sewage system which serves the cottage and cabin is wholly contained on the retained parcel and meets the Building Code minimum separation distance of 3m to the proposed lot line. No test pits were provided.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant sewage system greater than 30m from all surface water bodies. Tertiary treatment of the on-site wastewater is recommended as it reduces the overall footprint of the sewage system and provides higher quality effluent prior to entering the environment.

The Mississippi Rideau Septic System Office (MRSSO) requires as a condition of the severance an OBC compliant sewage system shall be installed to serve the cabin on the proposed lot. The MRSSO will provide the County with a clearance letter when a sewage system is installed.

Hydro One Networks – No comments were received.

Bell Canada R-O-W –

We acknowledge receipt and thank you for your correspondence dated July 21, 2014. 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.

Big Rideau Lake Association – 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, as follows

Serafina Sebastyan – July 29, 2014

Thank you for informing me of the proposed land severing of the Taggart property on the Big Rideau. I wish to be notified of the date of the public meeting and I wish to receive a copy of the decision of the Land Division Committee concerning this matter.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.44-ha residential lot with an existing cabin and retain a 3.99-ha residential lot with an existing cottage and garage.

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

The lands are accessed via Mica Point a private road adjoining Miner's Point Road, a municipally maintained road, via Miner's Point Road Route A, a private road.

Bedrock Inventory – Marble, calc-silicate

The Rideau Lakes Watershed Plan notes that Rideau Lakes subwatershed is good based on a review of the available water quality records and the absence of any major water quality crisis. Total phosphorus concentrations are declining on average in recent years and the clarity of the lakes using Secchi disk, is reasonable. Forest cover is increasing over the last fifty years as the original farms are abandoned and the land reverts to trees. Invasive species, in particular, zebra mussels, both larvae and adults have been detected in Rideau Lake. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

Archaeological

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

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation.

A review of the Natural Heritage Information Centre (NHIC) records does not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

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, however does not permit development on private roads. A re-zoning to Limited Service Residential will be required.

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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. 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 – Sept 8, 2014**

Michelle Taggart, agent attended the hearing and gave evidence under oath.

Ms. Taggart advised that there is a hydro line easement along the proposed property line on the retained lands.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
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. The lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with Tay Valley Township in this regard.
9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Rideau Waterway Development Review Team as outlined in their report of April 17, 2014, provided that in the event the RWDRT is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the RWDRT.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
11. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
12. That the applicant install an OBC compliant sewage system on the severed lands. The applicant shall consult directly with the Mississippi Rideau Septic System Office in this regard.
13. A letter shall be received from Tay Valley Township stating that condition #4 through #11 has been fulfilled to their satisfaction.
14. A letter shall be received from the Rideau Waterway Development Review Team stating that condition #9 has been fulfilled to their satisfaction.
15. A letter shall be received from the Mississippi Rideau Septic System Office stating that condition # 12 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley conservation Authority advise that the shoreline of Big Rideau Lake and works/site alterations below 124.51 metres geodetic are now also subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act. Proposed development and alteration on the site and the shoreline of Big Rideau Lake should have regard for this elevation. In the future, a permit may be required for such works.*
2. *The RVCA advise that they support the installation of additional native plantings between the existing residence (retained lot) and the water, excepting the access leading to the dock. The RVCA has programming (the "Rural Clean Water Program" and the "Shoreline Naturalization Program" to assist with this voluntary planting effort. Our contact at the Conservation Authority's Land Owner Resource Centre can help (1-800-267-3504 x 1128 or x 1132).*
3. *Residents and users of Big Rideau Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Michael John James & Lynn Dorothy James **Hearing Date:** Sept. 8, 2014

Agent: ZanderPlan Inc.

LDC File #: B14/024

Municipality: Tay Valley Township

Geographic Township: South Sherbrooke **Lot:** 17 **Conc.:** 2

Roll No. 0911 914 020 13200 **Consent Type:** lot addition

Purpose and Effect: To sever a 0.327-ha parcel of land as a lot addition to lands owned by Brenda Louise Cavanagh at 245 Christie Lake Lane 41 and retain 32.5-ha residential landholding at 203 Christie Lake Lane 41.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	0.327-ha	32.5-ha
Frontage - Road	62.7m	454.6 m
Frontage - Water	None	50 m
Depth	115 m	761.7 m
Road - Access to	Private Road	County Road / Private Road
Water Supply	n/a	Private well
Sewage Disposal	n/a	Septic System
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.)		60 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

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 (h)).

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 unless significant archaeological resources have been conserved.

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluate and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Section 2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.2 County Road, 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 2.18 Cultural Heritage and Archaeological Resources, Section 3.4 Natural Heritage, Section 3.6 Rural , 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 10 Rural Zones
Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Town Planner's Comments

The proposal is to sever a 0.327-ha parcel of land as a lot addition to lands owned by Brenda Cavanagh at 245 Christie Lake Lane 41 and retain a 32.5-ha parcel with an existing house and garage at 203 Christie Lake Lane 41.
Zoning – Rural – retained lot 32.5-ha Severed Lot 0.327-ha lot as a lot addition. Both lots meet minimum zoning provisions. Lot is being added to RLS-93. Doesn't need to be rezoned as Rural is compatible with the RLS zone it is being added to.

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

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

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has completed. II review of the above noted application and a site visit was conducted. The following comments are offered for your consideration as regards:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act,
- The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act,

- The considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study" and the related "Municipal Site Plan Evaluation Guidelines.

Proposal

The application will transfer additional back land to this developed lot on Christie Lake, from the adjacent 32.5 +/- hectare lot. There will be no water frontage adjustment as a result of this transfer.

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to this lot addition. Given the site conditions and historic development on this lot (and retained lot), we recommend that the owners augment the shoreline vegetation between the residential development and the shore. The RVCA offers our stewardship programming for advice and assistance (contact our main office 1-800-267-35004 for information on shoreline planting through our Rural Clean Water Program or the Shoreline Stewardship Program, both offering the same planting service). We continue to encourage the enhancement of native soil and vegetation cover on this site, particularly between the residence and the lake; stable native conditions will assist in preserving the recreational water quality and healthy aquatic habitat of Christie Lake, a lake described as having 'good' water quality and a healthy aquatic system, with some stress potential on fish habitat due to, at times, reduced oxygen levels.

The Rideau Valley Conservation Authority would not support any new development on this lot which would reduce the existing disturbance setback or act to potentially impact the lake.

Prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the shoreline of Christie Lake as per our Ontario Regulation 174/06.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted May 23, 2014.

The applicant proposes to sever approximately 0.327 hectare parcel, for the purpose of a lot addition to 245 Christie Lake Lane 41. The proposed area to be severed is currently vacant. The area is well treed with steep slopes and a flat area towards the northern proposed boundary. No test pits were provided.

The retained parcel is approximately 32.5 hectares. The property is developed with a dwelling and garage. The dwelling is serviced by a sewage system that is greater than 8m from the proposed property line. No test Pits were provided.

The lot addition as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies on the retained lot and is a benefit to the lot receiving the addition. Given the above information, our office has no objections to the severance as proposed.

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

Christie Lake Cottage Association – 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, as follows:

Dick Wilson – August 7, 2014

I have a notice of severance by Michael and Lynn James in favour of Brenda Cavanagh. We have no objection.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.327-ha parcel of land as a lot addition to lands owned by Brenda Cavanagh at 245 Christie Lake Lane 41 and retain a 32.5-ha landholding with an existing dwelling and garage at 203 Christie Lake Lane.

The subject lands are located in an area characterized by typical small type seasonal lots. The effect of the lot addition will provide addition area for future development on the lot to be enlarged.

The lands are accessed via Christie Lake Lane 41, a private road which adjoins Althorpe Road, a county maintained road.

Archaeological

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

Bedrock Inventory – granodiorite, granite, syenite.

A “State of the Lake Environment Report” was undertaken on Christie Lake in 2005. The report was able to conduct a comparison between water quality conditions as they existed in 2005 to results obtained from 1970 to 2005. The historical data and the results of the 2002 to 2005 sampling indicate that Christie Lake is in early mesotrophic stage. On average, nutrient concentrations are relatively low, however, there is sufficient for weed growth in bays and shallow areas and algae blooms have occurred and will continue to occur. The lake was also tested for invasive species. It does appear that Zebra mussels have become established in the lake so precautions should be taken by all residents, landowners and recreational users of the lake to control the spread from other lakes in the region. No spiny water fleas have been found in any of the samples since 2003. The amount of phosphorous reaching any lake is the main cause of aging. The process of lake aging can be slowed by all users taking a stewardship approach and making sure that they minimize their impact on the lake environment.

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- Eastern Musk Turtle (THR)

Official Plan Policies

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

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

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

- 2/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by Tay Valley Township.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The property being enlarged if zoned as Residential Limited Service. The lot addition will not require re-zoning as Rural is compatible with the RLS zone. The lot to be enlarged is currently 0.38-ha which is less than the required minimum lot size according to the zoning by-law. The additional lands will increase the existing lot to 0.7-ha. 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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. 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 – Sept 8, 2014**

Tracy Zander, agent and Brenda Cavanagh, purchaser of the lot addition attended the hearing and gave evidence under oath.

Ms. Zander advised that the closed waster site is located on Althorpe Road and the lands to be severed are outside the influence area of this site. Ms. Zander also advised that she had discussed this with the Township, and they have no concerns.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Brenda Louise Cavanagh described as Con 2 Pt Lot 17 RP27R-701 Part 1, Township of South Sherbrooke, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.

6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
8. 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 advise that prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the shoreline of Christie Lake as per our Ontario Regulation 174/06.*
3. *Residents and users of Christie Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from 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: Andrew and Michelle Stead **Hearing Date:** Sept 8, 2014
Agent: ZanderPlan Inc.
LDC File #: B14/061
Municipality: Town of Perth
Geographic Township: North Elmsley **Lot:** NE ½ 28 **Conc.:** 10
Roll No. 0921 010 035 09945 **Consent Type:** Lot addition

Purpose and Effect: To sever a 0.3-ha parcel of land with as a lot addition to lands owned by Gaius and Ruth Magee located at 48 Industrial Road and to retain a OA-ha industrial lot with an existing warehouse located at 52 Industrial Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Industrial
Proposed Use	Industrial	Industrial
Area	2,987 sq.m.	4,052 sq.m.
Frontage	28 m	38 m
Depth	106.7 m	106.7 m
Road - Access to	Municipal	Municipal
Water Supply	Piped Water	Piped Water
Sewage Disposal	Sewage System	Sewage System
Official Plan Designation	Industrial Area	
-Conformity?	Yes	
Zoning By-law Category	General Industrial	General Industrial
-Area Required (min.)	Na/ lot addition	1,350 sq.m.
-Compliance?		Yes
-Frontage Required (min.)		22.5 m
-Compliance?		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public

- a) the use of existing infrastructure and public service facilities should be optimized; and
- b) opportunities for adoptive re-use should be considered, wherever feasible service facilities.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

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

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

Local Official Plan – Section 3.0 Basis of Plan, Section 4.0 Economic Development, Section 5.2 Sewage and Water, Section 5.5.4 Local Roads, Section 8.14 Industrial Area Designation, Section 9.11.15 Consents.

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 15.0 General Industrial

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

The proposed consent severs a piece of land from an existing lot with an Industrial building existing to a vacant lot to allow for the development of a new warehouse industrial unit. This represents a more efficient land use and complies with the intent of the Official Plan. The proposal is also consistent with the site specific zoning provisions. Therefore the Town has no objection to the consent provided appropriate arrangements are made for the new vacant lot to connect to municipal services. The applicant may choose to install services before the lot is created or to acknowledge the need for their installation through a development agreement.

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, subject to the requested conditions being applied, the Town has no objection to a provisional consent being granted to the above noted application for the proposal to sever 0.3-ha landholding with an existing storage warehouse, as a lot addition to lands owned by Gaius and Ruth Magee at 48 Industrial Rd and retain a 0.4-ha industrial landholding with an existing warehouse at 52 Industrial.

The applicant has paid the mail list fee and the consent review fee of \$350 required by the Town.

I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the undersigned at the Town of Perth Planning Department. If you 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. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
2. The Town confirm that any and all outstanding fees and taxes have been paid prior to the consent being completed.
3. The severed parcel be stipulated per Section 50(12) of the Planning Act such that Section 50(3) will continue to apply.
4. The applicant provide legal confirmation acceptable to the Town of Perth that demonstrates the severed parcel will merge with the benefitting lot or completes an agreement or other transaction with the Town of Perth to ensure the severed parcel will merge with the benefitting lot.
5. The applicant shall establish an entrance for the merged lot or complete a site plan or development agreement with the Town of Perth to be registered on title of the merged lot to address the following:
 - i) The owner shall provide a grading and drainage plan to the Chief Building Official for the Town of Perth prior to construction on the lot and demonstrate to the satisfaction of said Building Official that development has been completed in accordance with the plan prior to the final release of any securities required under the agreement.
 - ii) The owner will acknowledge responsibility to construct and coordinate the creation of an entrance to the severed lot through the Town's Director of Environmental Services and to pay for any modifications or repairs to existing street infrastructure and boulevard, necessary for the entrance to be created.
 - iii) The submission of a security deposit will be required prior to work commencing and the value of the deposit will be based on the value of the required works at the time of construction.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 2,987 sq.m. parcel of land as a lot addition to lands owned by Gaius M Magee and Ruth Magee at 48 Industrial Road and retain a 4,052.64 sq.m. industrial lot with an existing storage warehouse located at 52 Industrial Road.

The subject lands are located in a dedicated industrial area within the Town of Perth. The lands are accessed via Industrial Road, a municipally maintained road.
Official Plan Policies

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

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

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

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

- 3/ Woodlands within the Town are protected through Tree Conservation Policies.

Zoning

The subject property is currently within the general industrial section of the Zoning By-law, which permits a number of uses, including storage facilities. The additional lands will permit the owner to increase his storage facilities. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

The Provincial Policy Statement encourages development to occur in designated settlement areas. 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 – Sept 8, 2014

Tracy Zander, agent, attended the hearing and gave evidence under oath.
Andrew Stead, owner and Graham Stead, attended the hearing and gave evidence by affirmation.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed I 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 Gaius Martyn Magee and Ruth Magee described as NE ~ Lot 28 Con 10, geographic Township of North Elmsley, being Part 2 on RP27R-8668, now in the Town of Perth, 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 Perth.
5. The applicants shall satisfy all the requirements of the Town of Perth, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Town of Perth 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 the Town of Perth with a digital copy of the registered reference plan.
8. The applicant shall establish an entrance for the merged lot or complete a site plan or development agreement with the Town of Perth to be registered on title of the merged lot to address the following:
 - i) The owner shall provide a grading and drainage plan to the Chief Building Official for the Town of Perth prior to construction on the lot and demonstrate to the satisfaction of said Building Official that development has been completed in accordance with the plan prior to the final release of any securities required under the agreement.
 - ii) The owner will acknowledge responsibility to construct and coordinate the creation of an entrance to the severed lot through the Town's Director of Environmental Services and to pay for any modifications or repairs to existing street infrastructure and boulevard, necessary for the entrance to be created.
 - iii) The submission of a security deposit will be required prior to work commencing and the value of the deposit will be based on the value of the required works at the time of construction.
9. A letter shall be received from the Town of Perth stating that condition #4 through #8 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Calvary Christian Academy **Hearing Date:** Sept 8, 2014
Agent: David Joynt
LDC File #: B14/026
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 10 **Conc.:** 2
Roll No. 0924 000 010 07005 **Consent Type:** new lot

Purpose and Effect: To sever a 0.6-ha residential building lot and retain a 20.23-ha landholding with an existing private school located at 9749 Hwy 15.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Private School Private School
Area Frontage Depth Road - Access to	0.6-ha 64 m 96 m Municipal	20.23-ha 473.79 m Irregular Provincial Highway
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Settlement area Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Residential-holding 0.4-ha Yes 45 m Yes	Residential – holding 0.4-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public

- a) the use of existing infrastructure and public service facilities should be optimized; and
- b) opportunities for adoptive re-use should be considered, wherever feasible.
service facilities.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.1 Provincial Highways, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 4 General Development Policies, Section 5.1 Residential Policies, Section 7.3 Local Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee. The Township of Beckwith advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 5 Residential Zones, The Township of Beckwith advises that the proposal complies with the zoning by-law regulations. The Township is currently amending / revising its comprehensive zoning by-law. One of the modifications proposed is to remove all the 'holding' symbols in the Township. As such, the Township is not requesting the applicant to undertaken a re-zoning as it is the intention of the Township to do so through the comprehensive amendment.

(b) AGENCY REVIEW

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

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

- 1/ The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
- 2/ The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
- 3/ That an entrance permit be obtained from the Public Works Superintendent.

Notes:

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

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow for the creation of a new lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the 2014 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.

Natural Heritage and Natural Hazards

For the applicant's information, a permanent wetland feature has been identified on the retained parcel. For the purpose of this application, the severed lot is entirely outside of the identified permanent wetland feature.

Conclusion

In conclusion, the Conservation Authority has no objections or conditions to this application for consent. Please forward notice of the Committee'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 Land – an approximately 0.6 hectare parcel of land, relatively flat consisting of bushland. Exposed bedrock observed in some areas and some areas may be subject to seasonal wetness. Recommendation – fill will be required to construct a sewage system. Amount of fill required will be subject to the exact location chosen.

Retained Land – An approximate 50 acre irregular parcel of land and contains a school, field and a wooded area. Recommendation – the severance will not affect the septic system of the school.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

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

We have no concerns or objections to the proposed severance.

(c) PUBLIC INPUT

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

Nancy Wallace Simpson - June 24, 2014

It was interesting having a conversation with you about this severance. As I said my concern is the remaining piece of property which is the portion owned by the school. If the severance is allowed to go further back than the existing lots into the school lands then a very small angled section is created which in future could make for difficulty in planning. I

do understand that due to the angles of the road some irregularities in the property shapes are unavoidable, but my concern here is that this severance creates a hook effect which in future may be difficult to deal with. If the proposed severance was to line up with the existing lots then the hook effect would be avoided.

On this note I would like to be advised of meetings and decisions concerning this piece of property.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.6-ha residential building lot and retain a 20.3-ha institutional lot with an existing private school located at 9749 Hwy 15. This application is a resubmission of application B2012/049 which was allowed to lapse.

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

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

Bedrock Inventory – Dolostone, sandstone

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

Blanding's Turtle THR

Official Plan Policies

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

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

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

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

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

3/ Woodlands

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

Zoning

The subject property is currently within the residential (holding) section of the Zoning By-law, which permits a number of uses, including single-detached dwellings, provided the holding symbol is removed. The Township has indicated that it is their intent to remove the holding symbol through a comprehensive amendment. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – Sept 8, 2014**

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

Mr. Joynt explained that the previous application had inadvertently lapsed and that when he re-submitted the application the Township requested that the lands be increased to a minimum of 0.6-ha.

The committee expressed concern, that this left a small triangular piece of land at the rear of 137 Irvine and 139 Perth Road, and requested Mr. Joynt to consider adding this small piece of land to the lands to be severed. Mr. Joynt agreed.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented September 8, 2014.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall obtain a residential entrance permit from the Public Works Superintendent. The applicant shall consult directly with the Township of Beckwith in this regard.
7. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill will be required to construct an OBC compliant sewage system.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Gerard J R & Adele C Chatelain **Hearing Date:** Sept 8, 2014
Agent: Alex Ferguson
LDC File #: B14/027
Municipality: Township of Lanark Highlands
Geographic Township: Darling **Lot:** 6 **Conc.:** 6
Roll No. 0940 944 015 09600 **Consent Type:** new lot
0940 944 015 09602

Purpose and Effect: To sever a 2.023-ha residential lot with an existing dwelling at 5706 Tatlock Road and retain a 6.07-ha residential lot with an existing dwelling located at 5740 Tatlock Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	2.023-ha	6.07-ha
Frontage	241 m	202 m
Depth	86.5 m	221 m
Road - Access to	County	County
Water Supply	Private well	Private Well
Sewage Disposal	Septic System	Septic System
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning By-law Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

2.4 Minerals and Petroleum

Section 2.4.1 Minerals and petroleum resources shall be protected for long-term use.

2.5 Mineral Aggregate Resources

Section 2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Section 2.5.2.4 Mineral aggregate operations shall be protect from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

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

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

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- c) hazardous sites.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.3 County Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 3.0 Planning Sustainable Communities, Section 3.3 Rural Communities, Section 4.1 Mineral Aggregates, Section 7.4.2 County Roads, Section 7.4.6 Water, Waste Water and Stormwater Services, Section 8.4.2 Consents.

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

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

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

(b) AGENCY REVIEW

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

Township Planning Report

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of one residential lot. The property is legally described as Pt Lot 6 Concession 6, geographic Township Darling, now in the Township of Lanark Highlands. The purpose of application B14/027 is to sever a 5 acre landholding with an existing house and to retain a -15 acre landholding which according to Township records also has an existing dwelling. The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan. There is a small patch of Mineral Aggregate Reserve 105m south-east of the property. The property is zoned Rural (RU).

PROVINCIAL POLICY

The Province of Ontario requires that all planning applications be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. 80th the retained and severed lots are privately serviced and have a private well and septic system. The proposed lots have access to a County maintained road (Tatlock Rd.).

OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 8.4.2, which provides direction when considering the division of lands within the Township. The subject property has a Rural Communities designation. The proposed severance meets the requirements of this designation. The nearby area of Mineral Aggregate Reserve does not impact this application as there is an existing dwelling on the property and the lot has already been developed.

ZONING

The subject property is zoned Rural. The proposed lots meet the minimum frontage and area requirements of the RU zone. There exists an area south-east of the subject lands are zoned Mineral Aggregate Reserve-holding (MAR-h). As noted above, both the proposed severed and retained lots are already developed and as such would already need to be considered should the area of MAR-h be developed.

DISCUSSION

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

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

- 1/ The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 2/ An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
- 3/ That the applicant pays any outstanding fees to the Township prior to final approval.
- 4/ That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.

Conservation Authority – Mississippi Valley Conservation Authority
Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted applications to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property.

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one developed lot measuring 5 ac., and retain a developed lot measuring 15 ac.

PROPERTY CHARACTERISTICS

According to a review of available mapping and aerial photography, the proposed retained land consists of an unclassified wetland. No natural heritage features or natural hazards were identified on the severed lands.

REVIEW

Natural Heritage Values

We understand that the unclassified wetland on the retained lands has not been evaluated; therefore, it is not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation.

Natural Hazards

Organic Soils

Wetlands inherently consist of organic soils. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, development should be directed outside of these areas.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objection to the subject application. Both the retained and severed lands are already developed with no new development proposed at this time. Therefore, impacts to the identified wetland are not anticipated as a result of this application.

NOTES

We recommend that the wetland on the retained lands remain undisturbed. A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard.

Septic Office - Leeds Grenville and Lanark District Health Unit

Retained Land - A 15 acre parcel of land consisting of mixed bushland, variable soil depth, exposed bedrock and variable drainage. Existing dwelling on property serviced by a well with no approved septic system or grey-water system. There is a privy located on the site. Mobile trailer also located on the property. Recommendation – Sewage system is required to service dwelling. Application for a permit to construct is required. Severance approval conditional upon sewage system being upgraded to meet current code standards.

Severed Land – Approximately 5 acres of land with an existing house serviced by a well and septic system. There is sufficient area for future replacement of the tile bed. Recommendation – Severance will not affect future replacement of septic system. Additional sandy loam fill will be required in area of future tile bed replacement.

NOTE: Mr. Ferguson's office (the agent) was advised of the 'conditional' approval. Their office advised that Mr. Chatelain has agreed to install the septic required by the Health Unit's report.

County Public Works

- 1/ Applicant has an approved existing entrance to the County Road – Permit No. 2323 and 2322.
- 2/ Entrance to be installed prior to deed endorsement. NO.
- 3/ Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.

The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.

- 4/ Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" for the purposes of completing a road closing and transfer of the identified former road property.
- 5/ Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

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

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 2.023-ha residential lot and an existing dwelling at 5706 Tatlock Road and retain a 6.07-ha residential lot at 5740 Tatlock Road. This application is a resubmission of application B2011/095 which was allowed to lapse.

The subject lands are located in an area characterized by rural residential on larger type lots intermixed with large landholdings. The lands are located approx. 1.0-km from the OMYA Calcite Quarry. A caution should be included on the transfer/deed advising of the adjacent quarry and that the land may be subject to noise, dust, odours etc. associated with the quarry operation.

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

Soils Inventory – Name: Tweed

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

Bedrock Inventory – diorite, gabbro, peridotite

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

Flooded Jellyskin THR

Official Plan Policies

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

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

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

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

- 3/ Woodlands

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

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. 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 – Sept 8, 2014**

Gerard Chatelain, owner attended the hearing and gave evidence under oath.
Alex Ferguson, solicitor attended the hearing and gave evidence by virtue of his legal standing.

Mr. Ferguson advised that the original application that had lapsed was for a lot addition rather than a new lot.

Mr. Chatelain confirmed that the septic system as required by the Health Unit has been installed.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing quarry operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
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. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. That the applicant install an OBC compliant sewage system on the retained lands. The applicant shall consult directly with the Leeds Grenville and Lanark District Health Unit in this regard.
9. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
10. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
11. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.
12. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the Township of Lanark Highlands, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.

13. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
14. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 through #13 has been fulfilled to their satisfaction.
15. A letter shall be received from the Leeds Grenville and Lanark District Health Unit stating that condition #8 has been fulfilled to their satisfaction.
16. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 (and #13 if required) has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Claude and Cora Nolan **Hearing Date:** Sept 8, 2014
Agent: n/a
LDC File #: B14/028
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** Park Lot 1 **Conc.:** 3
Roll No. 0924 000 010 13400 **Consent Type:** new lot

Purpose and Effect: To sever a 0.6-ha residential building lot and retain a 4.6-ha residential lot with an existing dwelling located at 187 Church St.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area	0.6-ha	4.6-ha
Frontage	94 m	95 m
Depth	100 m	240 m
Road - Access to	Municipal	Municipal
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Settlement Area Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Residential 0.4-ha Yes 45 m Yes	Residential 0.4-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public

- a) the use of existing infrastructure and public service facilities should be optimized; and
- b) opportunities for adoptive re-use should be considered, wherever feasible.
service facilities.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

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

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

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

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

Zoning By-law - Section 3 General Provisions, Section 5 Residential Zones,

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

(b) AGENCY REVIEW

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

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

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

NOTES:

- 1/ The entrance to the severed lands shall be off of Church Street, rather than Highway 15.
- 2/ All buildings and structures shall be constructed in accordance with the Ontario Building Code and all applicable by-laws.

Conservation Authority - Rideau Valley Conservation Authority

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

PROPOSAL

The proposal is to sever 0.6 hectares from the existing 5.2 hectare parcel.

PROPERTY CHARACTERISTICS

The severed parcel is primarily treed. The retained parcel consists of an existing residence.

Natural Hazards

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

Natural Heritage

There have been no natural heritage features identified on the severed or retained parcel which would preclude this application.

CONCLUSION

In conclusion, the Conservation Authority has no objection or conditions to this severance 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 all this application to the office of the Rideau Valley Conservation Authority.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed Land – A 0.6 hectare irregular parcel of land consisting of bushland. Shallow soil depth, approximately 40 cm of soil until rock. No Buildings. Recommendation – Additional sandy loam fill will be required to construct an onsite sewage system. Amount of fill will be subject to exact location chosen.

Retained Land – A 4.6 hectare parcel of land with existing dwelling, drilled well and septic system. Relatively flat consisting of grass and bushland. Recommendation – the severance will not affect the future replacement of the septic system. No signs of failure of septic system. Additional sandy loam fill will be required in the area of the replacement septic system (tile Bed) in the future.

Hydro One – No comments received.

Bell Canada

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

We have no concerns or objection to the proposed severance.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.6-ha residential building lot and retain a 4.6-ha residential lot located at 187 Church Street.

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

The lands are accessed via Church Street, a municipally maintained road and Highway No. 15, a provincial highway. Entrance to the lot will be via Church Street.

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

Blanding's Turtle THR

Official Plan Policies

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

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

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

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

- 3/ Woodlands
The area not been mapped as 'woodlands', care.

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – Sept 8, 2014**

Claude and Cora Nolan, owners, attended the hearing and gave evidence under oath.

Mr. Nolan advised that he had spoken to the owner of 199 Church Street to see if they were interested in a 'lot addition', but had received a response to date...

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. A letter shall be received from the Township of Beckwith stating that condition #3 and #4 has been fulfilled to their satisfaction.

NOTES

1. *The Township of Beckwith advises that the entrance to the severed lot shall be via Church Street.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required to construct an OBC compliant sewage system.*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: 882730 Ontario Inc. **Hearing Date:** Sept. 8, 2014
Applicant: Bruce Baird
LDC File #: B14/033
Municipality: Town of Mississippi Mills
Geographic Township: Almonte **Lot:** Pt. 150 **Plan;** 9262
Roll No. 0931 010 015 01600 **Consent Type:** lot addition

Purpose and Effect: To sever a 706 sq. m. parcel of land as a lot addition to lands also owned by the applicant, at 10 St. Andrews Street and retain a 542 sq. m. landholding with an existing residence.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	706 sq. m.	542 sq. m.
Frontage	4 m	18 m
Depth	62 m	30.15 m
Road - Access to	Municipal	Municipal Road
Water Supply	n/a	Public System
Sewage Disposal	n/a	Public System
Official Plan Designation	Residential	
-Conformity?	Yes	
Zoning By-law Category	Residential 4 th Density	Residential 4 th Density
-Area Required (min.)	n/a - Lot Addition	600 sq.m.
-Compliance?		No
-Frontage Required (min.)		30 m
-Compliance?		No

(a) APPLICATION REVIEW

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public a) the use of existing infrastructure and public service facilities should be optimized; and b) opportunities for adoptive re-use should be considered, wherever feasible. service facilities.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.
The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 Basis of Plan, section 3.6 Residential Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, section 5.3.11 Consent to Sever.
The Town of Mississippi Mills advises that the proposal conforms to the provisions of the Community Official Plan.

Zoning By-law - Section 6 General Provisions, Section 14 Residential Second Density
The Town of Mississippi Mills advises that the proposal does not comply with the zoning by-law regulations. Rezoning is required.

(b) AGENCY REVIEW

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

Town Planner's Report

BACKGROUND, PURPOSE AND EFFECT OF APPLICATION

The applicant submitted and received approval for a zoning by-law amendment on September 20, 2010 to rezone the subject properties from the Residential First Density (R1) Zone to the Residential Fourth Density (R4) Zone for the purpose of establishing a 3-storey multi-unit residential apartment dwelling on the subject properties. The existing 1-storey detached dwelling located at 380 Almonte Street would have formed part of this new building. Due to a lack of uptake in the market, the applicant has since revised his proposal to retain the existing residence, while maintaining the medium density residential permissions on the abutting lands.

The applicant has submitted a consent application to the County of Lanark requesting to sever a $\pm 706\text{m}^2$ (0.17ac) parcel of land as a lot addition to lands owned by 882730 Ontario Inc. (Bruce Baird and Doug Parsons) located at 10 St. Andrews Street and retain a $\pm 542.7\text{m}^2$ (0.13ac) landholding at 380 Almonte Street. The lot to be added to would have a new lot area

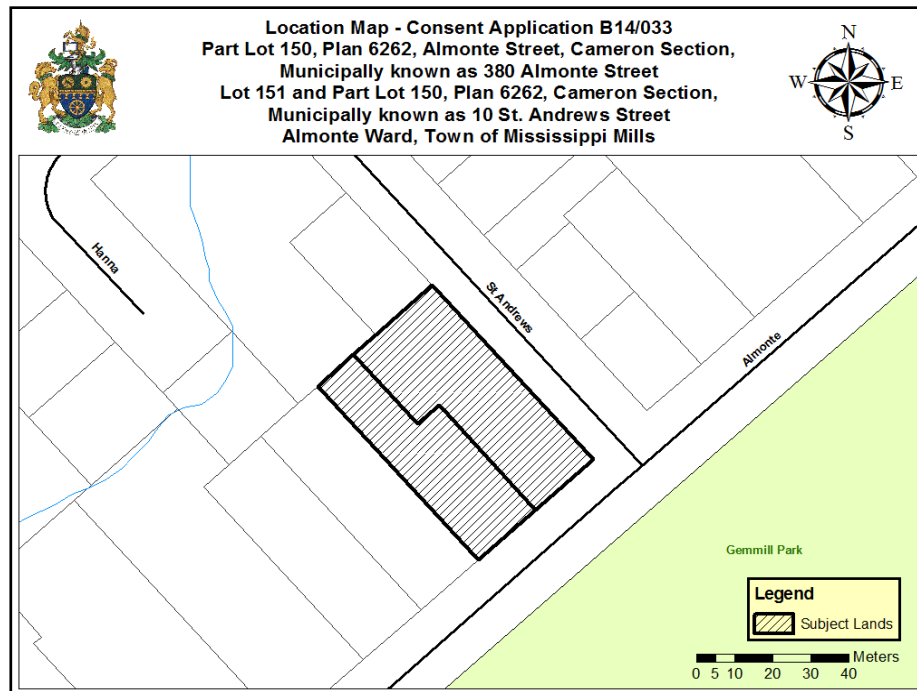
of $\pm 2159.97\text{m}^2$ (0.22ac) and lot frontages of $\pm 22.56\text{m}$ (74.02ft) and $\pm 62.36\text{m}$ (204.59ft) along Almonte Street and St. Andrews Street, respectively. The proposed retained lot would have a new lot frontage of $\pm 18\text{m}$ (59.05ft) along Almonte Street. The purpose of the application is to increase the land area available to accommodate a future medium density residential use. Sketches of the proposed lots are contained within the Appendix.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject properties are located at the northwest corner of Almonte Street and St. Andrews Street, in the Ward of Almonte. The property to be retained from the lot addition severance (380 Almonte Street) is currently $\pm 1248.7\text{m}^2$ (0.31ac) in size with a lot frontage of $\pm 20.12\text{m}$ (66ft) along Almonte Street. The easterly boundary of the property abuts 10 St. Andrews Street, the benefitting lot from the lot addition severance. 10 St. Andrews Street currently has a lot area of $\pm 1453.97\text{m}^2$ (0.36ac) with lot frontages of $\pm 20.44\text{m}$ (67.06ft) and $\pm 62.36\text{m}$ (204.59ft) along Almonte Street and St. Andrews Street, respectively.

Both of the intended retained and benefitting lots from the lot addition severance are designated "Residential" in the Town's Community Official Plan (COP) and zoned "Residential Fourth Density (R4)" by Zoning By-law #11-83. 380 Almonte Street is occupied by a 1-storey detached dwelling with an attached garage, which will remain on the intended retained parcel. 10 St. Andrews Street is currently vacant of any buildings or structures. The surrounding neighbourhood consists of similarly sized residential properties to the north and east, Gemmill Park to the south, with highway commercial, light industrial, institutional and future development properties to the west.

The location of the subject lands within the Town is depicted in the following figure:



SERVICING & INFRASTRUCTURE

The subject property is currently serviced by municipal water and sewer services and fronts onto Almonte Street and St. Andrews Street, municipally owned and maintained roads. The proposed retained parcel would be serviced by existing services and the benefitting parcel from the lot addition severance would eventually require new connections to these municipal water and sewer services. Both the retained and benefitting parcels would have frontage along Almonte Street, while the benefitting parcel would have frontage onto St. Andrews Street.

EVALUATION OF THE APPLICATION

PROVINCIAL POLICY STATEMENT (PPS), 2014

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

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term*
- b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- e) Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs*

The original proposal was for an adult-lifestyle condominium on both properties. Although the proposal has changed to retain the existing 1-storey detached dwelling on 380 Almonte Street and the applicant has left 10 St. Andrews Street open to a variety of future development opportunities, the property is zoned for medium density residential uses. As such, the subject consent proposal would accommodate an appropriate range and mix of residential uses. In addition, as the proposed severance would result in a minor boundary adjustment with no new additional lots being created, Staff views the proposal to be an efficient and logical form of development which is in keeping with the PPS.

COMMUNITY OFFICIAL PLAN

The intended retained and benefitting lots are both designated "Residential" in the Town's Community Official Plan (COP). The Residential designation permits low and medium density residential uses and accessory uses, parks, public and community facilities, bed and breakfasts, home-based businesses, group homes, garden suites, day nurseries, country inns, and local commercial uses. As the proposed lot addition severance consists of a minor boundary adjustment with no new lot being created, the proposal would not conflict with the goals, objectives and policies of the Residential designation of the COP.

ZONING BY-LAW #11-83

380 Almonte Street and 10 St. Andrews Street are both zoned "Residential Fourth Density (R4)" by the Town's Comprehensive Zoning By-law #11-83. The R4 Zone permits a variety of dwelling types, including low-rise apartments, converted dwellings, type A group home, residential care facility, retirement home, retirement home converted, bed and breakfast, townhouses and accessory apartments. The R4 Zone does not permit detached dwellings. As such, the applicant will be required to rezone the intended retained parcel containing the detached dwelling back to the Residential First Density (R1) Zone as a condition of consent approval.

The intended benefiting lot would comply with the minimum lot area requirement of 600m² for a low-rise apartment dwelling located within the R4 Zone by comprising ±2159.97m² in lot area. Due to the two parcels no longer be consolidated into one parcel for the purposes of constructing a multi-unit residential building, the proposed benefiting lot would no longer comply with the minimum lot frontage requirement of 30m due to its new frontage of ±22.56m along Almonte Street. The front lot line is defined as the shorter lot line abutting the street in the case of a corner lot. As such, it is recommended as a condition of consent approval that the applicant be required to obtain the necessary zoning or minor variance approvals to address this deficiency in the minimum lot frontage requirement.

The intended retained lot would comply with the minimum lot area requirement of 450m² and minimum lot frontage requirement of 18m for properties serviced by municipal water and sewer within the R1 Zone by comprising ±542.7m² in area and maintaining 18m of frontage along Almonte Street. As per the sketch plan submitted in consideration of the application, the proposed siting and dimensions of the detached dwelling also comply with all of the minimum setback, minimum floor area, maximum building height and maximum lot coverage of the R1 Zone.

CONCLUSION

As the application involves increasing the land area available to accommodate a future medium density residential use on the benefiting lot, Staff views the proposal to be a logical form of development that would allow for a mix of residential densities and housing options and not detract from the varied lot configuration of the surrounding neighbourhood.

Furthermore, Staff views the proposal as being consistent with the residential policies of the Community Official Plan, in keeping with the PPS, and appears to generally satisfy 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 owner provides a copy of the registered reference plan to the Town;
2. That the applicant provides a digital copy of the registered reference plan in a .DWG file format;
3. That the owners pay any outstanding property taxes on the subject properties;
4. 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;
5. That the applicant obtains relief from the Town's Zoning By-law #11-83 to address the deficient lot frontage of the benefiting parcel by way of a minor variance or zoning by-law amendment; and,
6. That the intended retained parcel be rezoned to comply with the R1 Zone provisions.

(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 706 sq.m. parcel of lands as a lot addition to lands owned by 882730 Ontario Inc. a 10 St. Andrews Street and retain a 542 sq.m. residential lot with an existing 1 storey dwelling at 380 Almonte Street.

The subject lands are located in an area characterized by typical urban residential. A Commercial operational is located to the west and a park is located to the south.

The lands to be enlarged are accessed via St Andrews 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/ 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 not been mapped as 'woodlands'. Woodland Development Policies have been established by the Town of Mississippi Mills.

Zoning

The subject property is currently within the residential 4th density which permits a variety of dwelling types, including low-rise apartments, converted dwellings, etc but does not permit single-detached dwellings. The proposed lot will require re-zoning to comply with the Town's Zoning By-law for the use proposed.

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's Zoning By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – Sept 8, 2014**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 882730 Ontario Inc. described as Plan 6262 Lot 151 and Pt Lot 150 Almonte, 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.

6. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
8. The applicant shall obtain appropriate relief from the minimum requirements of the Town's Zoning By-law for the lands to be enlarged either by way of an amendment to the Zoning By-law or a minor variance. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
9. The lot to be retained shall be rezoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
10. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #9 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Mary Cheryl McElrone **Hearing Date:** Sept. 11, 2014
Agent: Richard Logue
LDC File #: B14/041 & B14/042
Municipality: Township of Lanark Highlands
Geographic Township: Darling **Lot:** 6 **Conc.:** 8
Roll No. 0940 944 015 25200 **Consent Type:** two new lots

Purpose and Effect: To sever two (2) residential building lots (2.02-ha each) and retain a 38.5-ha landholding with an existing hunt camp located at 2338 Darling Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B14/041	B14/042	
Existing Use	Vacant	Vacant	Seasonal Residential
Proposed Use	Residential	Residential	Seasonal Residential
Area	2.02-ha	2.02-ha	38.5-ha
Frontage	120 m	120 m	363 m
Depth	160 m	160 m	2,186 m
Road - Access to	Municipal	Municipal	Municipal
Water Supply	Proposed	Proposed	None
Sewage Disposal	Proposed	Proposed	Privy
Official Plan Designation	Rural, organic soils, deer yard		
-Conformity?	Yes		
Zoning By-law Category	Rural		Rural
-Area Required (min.)	1.0-ha		1.0-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	60 m		60 m
-Compliance?	Yes		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

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, and
c) hazardous sites.

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 3.0 Planning Sustainable Communities, Section 3.3 Rural Communities, Section 4.1 Mineral Aggregates, Section 7.4.2 County Roads, Section 7.4.6 Water, Waste Water and Stormwater Services, Section 8.4.2 Consents.

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

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

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

(b) AGENCY REVIEW

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

Township Planning Report

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of two residential lots. The property is legally described as Pt Lot 26 Concession 8, geographic Township Darling, now in the Township of Lanark Highlands.

The purpose of applications B14/041 and B14/042 is to sever two residential building lots of 5 acres each. The retained parcel is a -90 acre landholding with an existing hunt camp at 2336 Darling Rd. The lands to be severed are accessed by Darling Road, which is a municipally maintained road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan with an Organic Soil overlay located in the retained parcel. A portion of the retained parcel is also located within a deer yard.

The property is zoned Rural (RU).

PROVINCIAL POLICY

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

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

OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section 8.4.2, which provides direction when considering the division of lands within the Township.

A portion of the subject property is designated as Organic Soil. Section 6.5.1 . of the Official Plan, pertaining to Organic Soils prohibits the development unless it is in full conformity with the Building Code Act. This may require that sufficient soils and engineering information be made available to indicate that, although the site is identified as having unstable slopes or unstable bedrock, it is in fact suitable or can be made suitable for development using accepted scientific and engineering practices; alterations to the site will not result in increased hazards or cause adverse environmental effects on or off-site; and that the land designation on Schedule A of the Official Plan permits the proposed development.

As noted previously, the Organic Soil overlay and deer yard are located on the retained lands and do not impact the proposed severances.

ZONING

The subject property is predominantly zoned Rural. The proposed lots surpass the minimum frontage and area requirements of the RU zone.

DISCUSSION

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
5. That sufficient lands be deeded to the Township of Lanark Highlands along the frontages of the lots to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and that the municipality has a good and marketable title. The Township Superintendent of Public works should be consulted prior to commencing a survey to determine the amount of road widening required.
6. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain an entrance location permit from the Township.

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 applications is to sever two vacant lots. Each measuring 5 ac. The retained parcel consists of a hunt camp and is approximately 90 ac.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the subject property is entirely located within an area which has been classified by the Ministry of Natural Resources (MNR) as a significant deer wintering area. No other significant natural heritage features or natural hazards were identified.

REVIEW

Guidelines (Natural Heritage Reference Manual, 2010) prepared in support of the Provincial Policy Statement (PPS) indicate that new development, including lot creation, shall only be permitted within significant wildlife habitat if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified.

It is our opinion that impacts to the deer yard can be sufficiently minimized if the building envelope is kept close to the road and the removal of terrestrial vegetation is kept to the minimum required to develop the site. A maximum disturbance of 10% is recommended.

CONCLUSION

MVCA does not have any objection to the subject applications.

NOTES

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed Land B14/041 – Approximately 5 acres consisting of bushland, shallow soil depth, variable slope and drainage. Recommendation – additional fill will be required in the area of the septic system (tile bed).

Severed Land B14/042 – Approximately 5 acres consisting of bushland, shallow soil depth, variable slope and drainage. Recommendation – additional fill will be required in the area of the septic system (tile bed).

Retained Land – Approximately a 90 acre parcel of land consisting of bushland, shallow soil depth, exposed bedrock, variable slope and drainage. Existing cabin on property with a privy. Some areas may be subject to seasonal wetness. Recommendation – Additional fill will be required in the area of the septic system if one is to be installed in the future.

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two (2) residential building lots, each containing 2.02-ha and retain a 38.5-ha landholding with an existing hunt camp located at 2338 Darling Road. The subject lands are located in an area characterized by typical rural landholdings and large lots with limited residential dwellings intermixed.

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

Deer Yard

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

Soils Inventory – Name: Tweed

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

Bedrock Inventory – diorite, gabbro, peridotite

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

Flooded Jellyskin THR

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 ship of Lanark Highlands.

Zoning

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

the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. 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 – Sept 8, 2014**

Richard Logue, agent, 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.

The same conditions apply to both lots

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

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

NOTES

1. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Glenn H Crain **Hearing Date:** Sept. 11, 2014
Agent: Jeff Collver
LDC File #: B14/043
Municipality: Town Perth
Geographic Township: Perth **Lot:** 3 **Plan:** 8828
Roll No. 0921 010 020 04700 & 04800 **Consent Type:** easement

Purpose and Effect: To sever an easement (Right-of-way) over a parking area at 109 Gore St East to provide access to 101 B, 101 C and 101 D Gore Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Access	Store, Apartments & Parking
Proposed Use	Access	Store, Apartments & Parking
Area	77 sq.m.	1,024.5 sq.m.
Frontage	7 m	25.28 m
Depth	11 m	40.53 m
Road - Access to	Municipal	Municipal
Water Supply	n/a	Piped Water
Sewage Disposal	n/a	Sewage System
Official Plan Designation	Commercial Area District	
-Conformity?	Yes	
Zoning By-law Category	Residential 4 th Density	Residential 4 th Density
-Area Required (min.)	n/a - easement	legal non-conforming
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs:

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

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

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 5.5.10 Vehicular rights-of-Way, Section 9.11.15 Consents.
The Town of Perth advises that the proposal conforms with the Official Plan policies.

Zoning By-law - Section 4 General Provisions, section 9 Residential 4th Density.
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

The proposed consent would establish a 77.0 sq.m. parcel of land as an easement for parking, in favour of 101 B, C&D Gore Street E. The municipality is not opposed to the granting of consent as the application is consistent with the Provincial Policy Statement, Perth's Official Plan.

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, subject to the requested conditions being applied, the Town has no objection to a provisional consent being granted to the above noted application for the proposal to establish an easement for parking, in favour of 101 B, C and D Gore Street East on an adjacent 77.0 sq .111. parcel of land described as Pt. Lot 3 Plan 8828. Our understanding is the lands have been occupied in the manner proposed for an extended period of time and the application is serving to establish the use in a clear, legally binding, manner.

The applicant has paid the mail list fee of \$50, but the \$300 review fee is still required by the Town before a clearance letter will be provided.

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

If you 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. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
2. The Town confirms that any and all outstanding fees and taxes have been paid prior to the consent being completed.

Advisory Notes: The Town's review fee of \$300 is currently outstanding. The Town will not provide a clearance letter confirming the conditions of consent have been met until the review fee is paid.

The Town's position regarding the proposed easement should not be interpreted as an indication that the Town has confirmed any right or interest the applicant or benefitting lot may have in the lane(s) providing access to the land subject to the proposed easement; only that the Town has no known interest in said lanes and the right of use is a matter for the land owners to address.

(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 easement (R-O-W) in favour of 101 B, C & D Gore Street. This is the continuance of an easement granted to the occupants of 101 b, C & D Gore Street since 1995.

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

Zoning

The subject property is currently within the residential 4th density. The easement is not affected by zoning and no structures will be built.

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 – Sept 8, 2014**

Jeff Collver, agent, attended the hearing and gave evidence under oath.

Mr. Collver advised that this small portion of land has been leased from Glen Crain Ltd since 1995 and is use for parking for addresses 101 B, 101 C and 101 D Gore Street. The R-O-W to this parking lot is from both Gore Street and Harvey Street.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

3. The lands being severed are for easement purposes only in favour of Jeffrey George Collver 101 B, 101 C and 101 D Gore Street, Town of Perth described as Part 2 on Reference Plan 27R-753.
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 Perth.
5. The applicants shall satisfy all the requirements of the Town of Perth, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Town of Perth 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 the Town of Perth with two copies of the deed/transfer for the property.
8. The applicant shall provide the Town of Perth with a digital copy of the registered reference plan.
9. A letter shall be received from the Town of Perth stating that condition #4 through #8 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Bakers Quarry **Hearing Date:** Sept. 8, 2014
Applicant: Stephen Brathwaite
LDC File #: B14/044 & B14/045
Municipality: Town Mississippi Mills
Geographic Township: Almonte **Lot:** 12-16, 7-11 **Plan:** 6262
Roll No. 0931 010 010 16900 **Consent Type:** two new lots

Purpose and Effect: To sever two (2) residential building lots (1,079 sq. m. and 1,116 sq. m.) and retain a 2.0-ha landholding. The lands to be severed are accessed by Carss St.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B14/044	B14/045	
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential
Area	1,079 sq. m.	1,116 sq. m.	2.0 ha
Frontage	28.27 m	28.80 m	231.04 m
Depth	38.17 m	38.74 m	67 to 107 m irregular
Road - Access to	Municipal Rd.	Municipal Rd.	Municipal Rd.
Water Supply	Proposed	Proposed	Proposed
Sewage Disposal	Proposed	Proposed	Proposed
Official Plan Designation -Conformity?	Residential Yes		
Zoning By-law Category	Residential 1 – 4		Residential 1 – 4
-Area Required (min.)	450 sq.m.		450 sq.m.
-Compliance?	Yes		Yes
-Frontage Required (min.)	18 m		18 m
-Compliance?	Yes		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public a) the use of existing infrastructure and public service facilities should be optimized; and b) opportunities for adoptive re-use should be considered, wherever feasible. service facilities.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

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

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

Local Official Plan – Section 2 Basis of Plan, section 3.6 Residential Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, section 5.3.11 Consent to Sever. The Town of Mississippi Mills advises that proposal conforms to the provisions of the Community Official Plan.

Zoning By-law - Section 6 General Provisions, Section 13 Residential First Density The Town of Mississippi Mills advises that the proposal complies to 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

BACKGROUND, PURPOSE AND EFFECT OF APPLICATION

On March 24, 2003, the owner received approval for consent to sever five (5) new residential infill building lots from the original landholding from which the above-noted property was created. Since that time municipal services have been extended to the area, which could service future residential lots on the property. As a result, the sketch plan submitted in consideration of the application outlines a preliminary plan of subdivision for potential lots on the property, including maintaining a small amount of frontage along the Streets of Mitcheson, Martin North and Carss to accommodate future private road access (see Appendix).

The applicant has submitted consent applications to the County of Lanark requesting to create two (2) residential infill building lots by way of severance from the above-noted property. The proposal would involve the construction of a detached dwelling on each of the intended severed parcels, with the retained parcel remaining vacant. The proposed severed

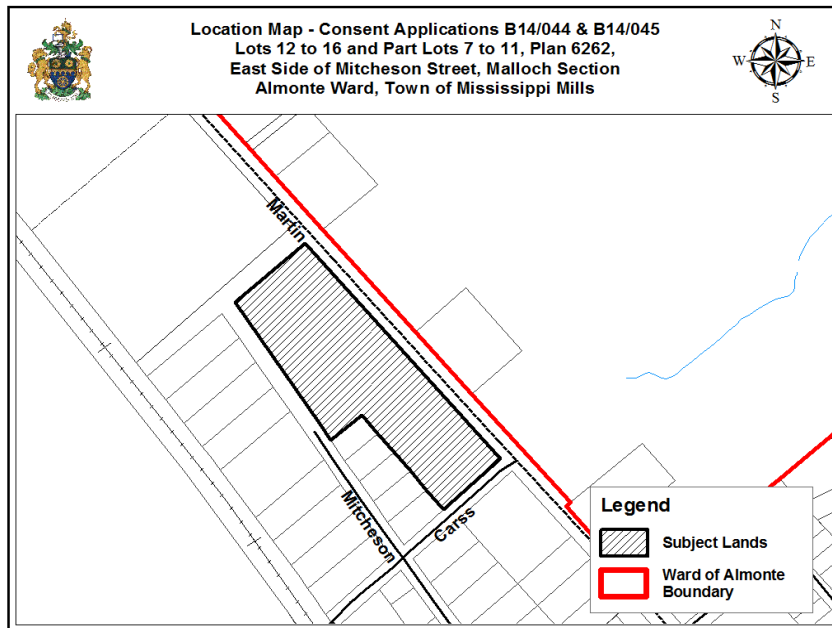
lots would comprise $\pm 1,079\text{m}^2$ (0.27ac) and $\pm 1,116\text{m}^2$ (0.28ac) in lot area with lot frontages of $\pm 28.27\text{m}$ (92.75ft) and $\pm 28.80\text{m}$ (94.49ft) along Carss Street, respectively. As the first severed parcel is a corner lot, it would also have a frontage of $\pm 38.17\text{m}$ (125.23ft) along Martin Street North. The retained lot would have a lot area of $\pm 2.0\text{ha}$ (4.94ac) while maintaining $\pm 231.04\text{m}$ (758ft) of frontage along Martin Street North. Sketches of the proposed lots are contained within the Appendix.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located at the northwest corner of Carss Street and Martin Street North, just inside the Ward of Almonte boundary along Martin Street North. Based on the $\pm 2.22\text{ha}$ (5.48ac) lot area of the property and the lot frontage of $\pm 266.36\text{m}$ (873.88ft) Martin Street North, Staff would describe the lot as being significantly oversized compared to other lots in the surrounding neighbourhood. The property is currently vacant.

The subject property is generally surrounded by Town owned open space to the north, a future urban expansion area with scattered rural residential properties to the east, and residential properties to the west and south. A closed waste disposal site is located to the northeast, accessed by a driveway entrance from Martin Street North. The residential properties to the west are further surrounded by vacant land designated for future residential development, located within a westerly boundary of the Ward of Almonte along the Mississippi River. A right-of-way borders the north side of the property, as well as halfway down the west side of the property connecting with Mitcheson Street. The property is designated "Residential" in the Town's Community Official Plan (COP) and zoned "Residential First Density Exception (R1-4)" by Zoning By-law #11-83.

The location of the subject lands within the Town is depicted in the following figure:



SERVICING & INFRASTRUCTURE

The subject property is currently vacant and fronts onto Mitcheson and Carss Streets, municipally owned and maintained roads, as well as onto Martin Street North, a County owned and maintained road. The proposed severed parcels would be serviced by municipal water and sewer services and would have driveway access from Carss Street. The Town's Director of Roads and Public Works reviewed the proposal and provided the following comments:

- Road widenings to be obtained in accordance with Official Plan (as determined by survey by an OLS);
- Developer to provide a servicing and utilities plan for the two lots created;
- Developer to provide a grading and drainage plan for the two lots to be created; and,
- Development Agreement and Security to be provided with respect to the above works including reinstatements for Carss Street.

The above comments will be addressed through conditions of consent approval.

EVALUATION OF THE APPLICATION

PLANNING ACT, R.S.O 1990

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

- a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- b) *whether the proposed subdivision is premature or in the public interest;*
- c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- d) *the suitability of the land for the purposes for which it is to be subdivided;*
- e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- f) *the dimensions and shapes of the proposed lots;*
- g) *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- h) *conservation of natural resources and flood control;*
- i) *the adequacy of utilities and municipal services;*
- j) *the adequacy of school sites;*
- k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- l) *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

- m) *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4).*

Staff is of the opinion that the subject consent proposal respects the above-noted criteria.

PROVINCIAL POLICY STATEMENT (PPS), 2014

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

- 1.1.2 *Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.*
- Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.*
- 1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

The subject property is designated “Residential” in the Town’s COP and zoned “Residential First Density Exception (R1-4)” by Zoning By-law #11-83. The property is considered significantly oversized compared to surrounding residential properties and the COP identifies the Ward of Almonte as a “settlement area” suitable for residential development. Appropriate municipal water and sewer services are also available to service the proposed development. As such, this property has been identified as suitable for low density residential infilling.

COMMUNITY OFFICIAL PLAN

Residential Designation

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

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

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

The infill nature of the proposal would provide an additional two (2) residential lots, thereby increasing density of the subject property.

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

Municipal water and sewer services are available in order to support the new development. The applicant will be required to submit a servicing and utilities plan to demonstrate how the severed parcels will be serviced, which can be achieved through the Site Plan Control process.

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

The dimensions and area of the proposed severed lots are comparable to other properties in the surrounding area and meet the minimum performance standards of the R1 Zone. As noted, the retained parcel would eventually be further subdivided to form a plan of subdivision, which would also have comparable lot sizes and dimensions. Also, due to the infill nature of the proposal, the consent proposal would be subject to Site Plan Control. Therefore, Staff is of the opinion that the subject consent proposal is compatible with the surrounding neighbourhood.

Infilling Policies

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

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

As the proposal is for the creation of two (2) additional residential lots within an existing residential neighbourhood, the infilling is considered small scale and conforms to the above-noted policy.

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

The proposal represents low density residential development, which would be compatible with the low density residential character of the area. The severance sketch plan submitted in consideration of the application demonstrates that the lots are of sufficient size to maintain the setback requirements of the R1 Zone.

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

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

General Consent Policies

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

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

As the proposal is to create two (2) additional residential building lots, a plan of subdivision would not be required. Municipal water and sewer services are available to service the development and there is an existing road (Carss Street) that can be used to access the severed parcels. As noted, the proposed retained lot from the subject consent proposal would eventually be further subdivided into fourteen (14) additional residential lots, which would require a plan of subdivision. The applicant is using the subject consent proposal to assist with financing the future development of the retained lands.

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

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

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

The proposal represents low density residential development, which would be compatible with the low density residential character of the area. As noted, the subject property is considered an oversized lot in comparison to lots in the surrounding residential area, so severing it would make it more compatible by offering more consistency in terms of lot sizes and dimensions.

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

The creation of two (2) additional lots will not negatively impact traffic in the area. As noted, the owner will be required to pay for any road widening(s) necessary to access the severed lots as well as demonstrate that the lots can be serviced through the submission of a servicing and utilities plan.

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

As the proposal involves a total of two (2) residential lots that are of similar size to surrounding properties which would comply with the development standards of the R1 Zone, the application represents an orderly and efficient use of land. The proposal would not hinder the development of the retained lands as the sketch plan submitted in consideration of the application demonstrates that fourteen (14) additional residential lots can be accommodated on the retained lands through a plan of subdivision.

- *The application does not represent strip development; and,*

The proposed development is not considered strip development as the proposal involves the creation of two (2) residential infill building lots which would comply with the R1 Zoning provisions.

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

The proposal satisfies all other relevant policies of the COP.

ZONING BY-LAW #11-83

The subject property is currently zoned "Residential First Density Exception (R1-4)" by the Town's Comprehensive Zoning By-law #11-83. The R1-4 Zone restricts the permitted uses to one single detached dwelling. As such, the R1-4 Zone does not permit accessory uses or any other uses normally permitted under the R1 Zone. Therefore, the severed lots will be required to be rezoned to the R1 Zone category as a condition of consent approval, as was done in 2003 for the original five (5) severed lots. The proposed severed lots comply with the minimum lot standards of the R1 Zone, as noted in the following table:

Table 1: R1 Zone Development Standards vs. Proposed Lot Specifications

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT	PROPOSED SEVERED LOT #1	PROPOSED SEVERED LOT #2
Minimum Lot Area (m ²)	450	1079	1116
Minimum Lot Frontage (m)	18	28.27	28.80

As previously noted, a closed waste disposal site is located to the northeast of the subject property. Subsection 6.25(2) of the zoning by-law requires that no building or structure used for human habitation be located closer than 200 metres (656ft) from a closed waste disposal site. The proposed severed lots are located at least 300m from the former waste disposal site and thus comply with the setback requirement.

CONCLUSION

As the subject consent proposal involves the creation of two (2) additional residential lots of more comparable sizes to that of surrounding properties in an area deemed appropriate for low density residential infilling, Staff views the proposed consent application to be a logical form of development that would not detract from the character of the surrounding neighbourhood. As noted, the subject consent proposal would not hinder the development of the retained lands as the sketch plan submitted demonstrates that a 14-lot subdivision can be accommodated on the balance of the lands. The consent proposal would also be subject to a strict review under Site Plan Control to ensure the orderly development of the land and compatibility with surrounding properties.

Furthermore, Staff views the proposal as being consistent with the residential, infilling and consent policies of the Community Official Plan, in keeping with the PPS, and appears to generally satisfy 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 provides a copy of the registered reference plan to the Town;
2. That the applicant provides a digital copy of the registered reference plan in a .DWG file format;
3. That the owner pays any outstanding property taxes on the subject property;
4. That the applicant obtains new residential entrance permits and PIN signs for the severed parcels;
5. That the applicant obtains the necessary zoning approvals to rezone the severed parcels to the R1 Zone category;
6. That the applicant obtains the necessary site plan approvals for the severed and retained parcels;
7. That the Town's Director of Roads and Public Works be consulted prior to commencing a survey to determine the amount, if any, of road widening required;

8. Sufficient land for road widening purposes shall be deeded to the Town by registered deed, to meet the municipality's road widening requirements, at no cost to the Town. Deeds are to be submitted to the Town 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;
9. That the applicant provides a servicing and utilities plan for the severed parcels to the satisfaction of the Town;
10. That the applicant provides a lot grading and drainage plan for the severed parcels to the satisfaction of the Town; and,
11. That the owner enters into a development agreement with the Town respecting the infrastructure and servicing requirements of the severed parcels."

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 objections to the proposed severance.

(c) PUBLIC INPUT

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

Kim and John Saunders

May I please request that both my spouse John Saunders and myself Kimberley Stevenson be advised of and extended an invitation to attend the public meeting to review the Carss Street Severance Application.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever two residential building lots (1,079 sq.m. and 1,116 sq.m.) and retain a 2.0-ha residential building lot. All lots are currently vacant.

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

The lands are accessed via Carss 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/ 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 not been mapped as 'woodlands'.

Zoning

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

Conclusion

The Provincial Policy Statement 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's Zoning By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) MINUTES – Sept 8, 2014

Stephen Brathwaite, agent, attended the hearing and gave evidence under oath.

Mr. Brathwaite advised that an Environmental Site Assessment has been undertaken on the old "Baker's dump site" and that there are no issues with the lands as most of the debris has been cleaned up. .

Mr. Brathwaite advised that the owner intends to submit a plan of subdivision for the balance of the lands at some point in the future, and that it was their intention that an internal street / lane be developed to link Carss and Martin Streets.

Committee reviewed the staff report and draft conditions and revised where required.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

The same conditions should apply to both lots.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. 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.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The lot to be severed and the lot to be retained shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
7. The applicant shall obtain site plan approval for the severed and retained lands. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
8. The applicant shall obtain a new residential entrance permit. The applicant shall consult directly with the Town of Mississippi Mills.
9. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
10. That the Town of Mississippi Mills Director of Roads and Public Works be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
11. Sufficient land for road widening purposes shall be deeded to the Town of Mississippi Mills by registered deed, to meet the municipality's road widening requirements, at no cost to the Town. Deeds are to be submitted to the Town 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.

12. That the applicant provide a servicing and utilities plan for the severed lands to the satisfaction of the Town of Mississippi Mills.
13. That the applicant provide a lot grading and drainage plan for the severed lands to the satisfaction of the Town of Mississippi Mills.
14. That the applicant enter into a development agreement with the Town of Mississippi Mills respecting the infrastructure and servicing requirements of the severed parcels.
15. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
16. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
17. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title
18. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the Town of Mississippi Mills, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
19. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
20. A letter shall be received from the County of Lanark Public Works Department stating that condition #15 through #19 has been fulfilled to their satisfaction.
21. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #14 and #18, if applicable has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Manfred (Fred) Schuck **Hearing Date:** Sept. 8, 2014
Agent: N/A
LDC File #: B14/059
Municipality: Town of Mississippi Mills
Geographic Township: Almonte **Lot:** 5 **Plan:** 6262
Roll No. 0931 020 020 15600 **Consent Type:** new lot

Purpose and Effect: To sever a 793.75 sq.m. residential building lot and retain a 793.75 sq.m. residential building lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Residential Residential
Area Frontage Depth Road - Access to	793.75 sq. m. 19.4 m 39.7 m Municipal Road	793.75 sq. m. 19.4 m 39.7 m Municipal Road
Water Supply Sewage Disposal	Proposed Public System Proposed Public System	Public System Proposed Public System
Official Plan Designation -Conformity?	Residential Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Residential 2 nd Density To be re-zoned to Residential 1 st Density	Residential 2 nd Density To be re-zoned to Residential 1 st Density

(a) APPLICATION REVIEW

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public a) the use of existing infrastructure and public service facilities should be optimized; and b) opportunities for adoptive re-use should be considered, wherever feasible. service facilities.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 Basis of Plan, section 3.6 Residential Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, section 5.3.11 Consent to Sever. The Town of Mississippi Mills advises that the proposal conforms to the policies of the Community Official Plan.

Zoning By-law - Section 6 General Provisions, Section 14 Residential Second Density The Town of Mississippi Mills advises that the proposal does not comply with the Town's Zoning By-law regulations. Re-zoning will be required.

(b) AGENCY REVIEW

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

Town Planner's Report

PURPOSE AND EFFECT OF APPLICATION

The applicant has submitted a consent application to the County of Lanark requesting to create one (1) residential infill building lot by way of severance from the above-noted property. The proposal would involve the construction of a detached dwelling on each of the intended severed and retained parcels. The proposed severed and retained lots would both comprise $\pm 793.75\text{m}^2$ (0.20ac) in lot area with lot frontages of $\pm 19.4\text{m}$ (63.65ft) along Adelaide Street. The intended severed parcel would also maintain $\pm 39.7\text{m}$ (130.25ft) of frontage along Florence Street North. Sketches of the proposed lots are contained within the Appendix.

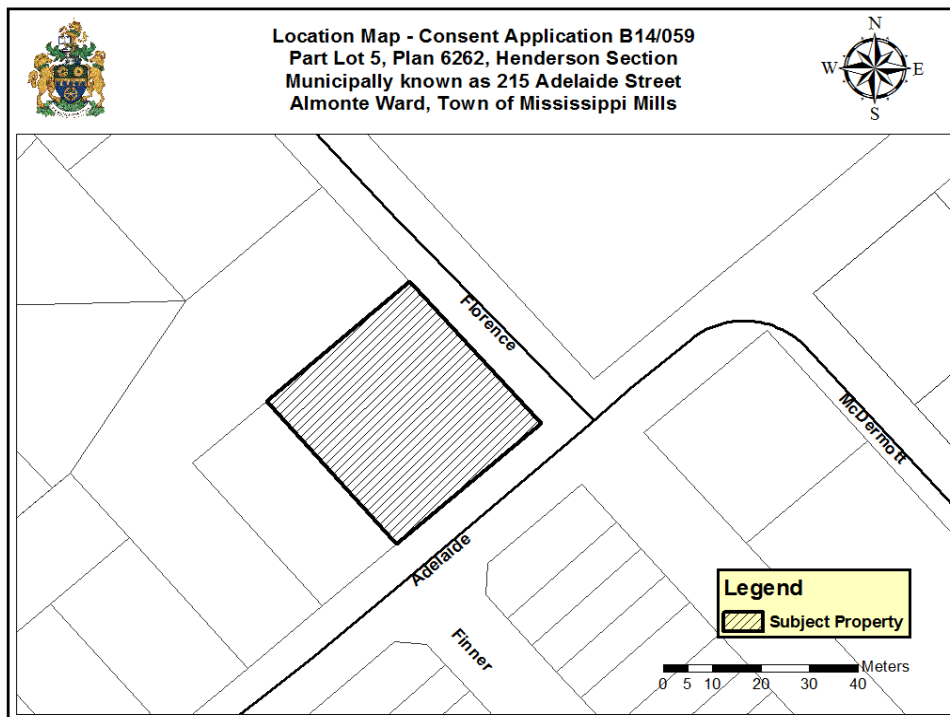
DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located at the northwest corner of Adelaide Street and Florence Street North, in the Ward of Almonte. Based on the $\pm 1587.5\text{m}^2$ (0.40ac) lot area of the property and the respective lot frontages of $\pm 38.8\text{m}$ (127.30ft) and $\pm 39.7\text{m}$ (130.25ft) along Adelaide Street

and Florence Street North, Staff would describe the lot as being relatively oversized compared to other lots in the surrounding neighbourhood. The property is occupied by a former detached dwelling on the east side of the property, which has been decommissioned and will be removed, as well as an accessory building to the rear of the property that will also be removed. A detached dwelling is currently under construction on the west side of the property, which would remain on the intended retained parcel.

The subject property is generally surrounded by similarly sized or smaller residential properties to the north, west and south, as well as vacant land designated for future residential development to the east. The property is designated "Residential" in the Town's Community Official Plan (COP) and zoned "Residential Second Density (R2)" by Zoning By-law #11-83.

The location of the subject lands within the Town is depicted in the following figure:



SERVICING & INFRASTRUCTURE

The subject property is currently serviced by municipal water and sewer services fronts onto Adelaide Street and Florence Street North, municipally owned and maintained roads. The proposed severed parcel would be serviced by existing services and an extension of the municipal water and sewer services would be required to service the retained parcel. Both the retained and severed parcels would have frontage along Adelaide Street, while the severed parcel would also maintain its existing frontage along Florence Street North.

EVALUATION OF THE APPLICATION

PLANNING ACT, R.S.O 1990

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

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

Staff is of the opinion that the subject consent proposal respects the above-noted criteria.

PROVINCIAL POLICY STATEMENT (PPS), 2014

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

- 1.1.2 *Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.*
Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.
- 1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

The subject property is designated "Residential" in the Town's COP and zoned "Residential Second Density (R2)" by Zoning By-law #11-83. The property is considered relatively oversized compared to other residential properties along Adelaide Street and the COP identifies the Ward of Almonte as a "settlement area" suitable for residential development. Appropriate municipal services are available to service the proposed development as the severed parcel is serviced by existing services while the retained parcel would only require a short extension of the municipal water and sewer services. As such, this property has been identified as suitable for low density residential infilling.

COMMUNITY OFFICIAL PLAN

Residential Designation

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

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

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

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

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

As the proposed severed parcel is currently connected to municipal services, municipal services are available to support the new development. Connection would be achieved through an extension of municipal water and sewer services, which would be more than adequate to support the development of a detached dwelling on the proposed retained parcel.

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

The dimensions and area of the proposed severed and retained lots are comparable to other properties in the surrounding area and meet the minimum performance standards of the R2 Zone. Also, due to the infill nature of the proposal, the consent proposal would be subject to Site Plan Control. Overall, Staff believes that the severed and retained lots would be compatible with the surrounding neighbourhood.

Infilling Policies

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

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

As the proposal is for the creation of one (1) additional residential lot within an existing residential neighbourhood, the infilling is considered small scale and conforms to the above-noted policy.

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

The proposal represents low density residential development, which would be compatible with the low density residential character of the area. The severance sketch plan submitted in consideration of the application demonstrates that the building footprints for the proposed detached dwellings are generally in compliance with the setback requirements of the R2 Zone.

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

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

General Consent Policies

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

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

As the proposal is to create one (1) additional residential building lot, a plan of subdivision would not be required.

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

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

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

The proposal represents low density residential development, which would be compatible with the low density residential character of the area. As noted, the subject property is considered an oversized lot in comparison to lots in the surrounding residential area, so severing it would make it more compatible by offering more consistency in terms of lot sizes and dimensions.

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

The creation of one (1) additional lot will not negatively impact traffic in the area. As the lot is currently serviced by municipal water and sewer services, a minor extension of existing services is necessary to service the proposed retained lot.

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

As the proposal involves a total of two (2) residential lots that are of similar size to surrounding properties which generally comply with the development standards of the current zoning of the property, the application represents an orderly and efficient use of land that would not hinder the development of the retained lands.

- *The application does not represent strip development; and,*

The proposed development is not considered strip development as the proposal involves the creation of one (1) residential infill building lot.

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

The proposal satisfies all other relevant policies of the COP.

ZONING BY-LAW #11-83

The subject property is currently zoned “Residential Second Density (R2)” by the Town’s Comprehensive Zoning By-law #11-83. The R2 Zone permits a range of dwelling types including detached, semi-detached, duplex, triplex and converted dwellings, as well as a type A group home, a bed and breakfast, home-based businesses and a park. The following table outlines the minimum lot and siting standards of the R2 Zone for detached dwellings serviced by municipal water and sewer against the proposed specifications of the severed and retained lots:

Table 1: R2 Zone Development Standards vs. Proposed Lot Specifications

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT	PROPOSED SEVERED LOT	PROPOSED RETAINED LOT
Minimum Lot Area (m ²)	450	793.75	793.75
Minimum Lot Frontage (m)	18	19.4	19.4
Minimum Front Yard (m)	6	6.7	6.7
Minimum Side Yard (m)	1.2 (a), (d)	1.52	1.52
Minimum Exterior Side Yard (m)	4.5	3.96	N/A
Minimum Rear Yard (m)	7.5	17.37	17.07

Footnote

- The minimum interior side yard width shall be 1.2 metres, except where a garage or carport is located in the rear yard and accessed by a driveway, the minimum shall be 4.5 metres.
- On lots abutting a non-residential use the minimum interior side yard requirement is 3.5 metres.

As noted above, the applicant is proposing that the building footprint of the detached dwelling on the severed parcel be located $\pm 3.96\text{m}$ (13ft) from the exterior side lot line, where the minimum exterior side yard setback requirement of the R2 Zone is 4.5m (14.76ft). As such, it is recommended as a condition of consent approval that the applicant modify his proposal by locating the building footprint of the detached dwelling at least 4.5m from the exterior side lot line, or obtains relief from the zoning by-law to address the deficient exterior side yard by way of a minor variance or zoning by-law amendment. The proposal complies with all other lot and siting specifications of the R2 Zone.

CONCLUSION

As the subject consent proposal involves a total of two (2) residential lots of more comparable sizes to that of surrounding properties in an area deemed appropriate for low density residential infilling, Staff views the proposed consent application to be a logical form of development that would not detract from the character of the surrounding neighbourhood. Any proposed development would also be subject to a strict review under Site Plan Control to ensure the orderly development of the land and compatibility with surrounding properties.

Furthermore, Staff views the proposal as being consistent with the residential, infilling and consent policies of the Community Official Plan, in keeping with the PPS, and appears to generally satisfy 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 provides a copy of the registered reference plan to the Town;
2. That the applicant provides a digital copy of the registered reference plan in a .DWG file format;
3. That the owner pays any outstanding property taxes on the subject property;
4. That the applicant obtains a new residential entrance permit for the severed parcel and PIN sign for the retained parcel;
5. That the applicant either modifies the location of the detached dwelling on the severed parcel to comply with the minimum exterior side yard requirement of the R2 Zone, or obtains relief from the Town's Zoning By-law #11-83 to address the deficient exterior side yard by way of a minor variance or zoning by-law amendment;
6. That the applicant obtains the necessary site plan approvals for the severed and retained parcels;
7. That the applicant install municipal water and sewer connections to the severed and retained parcels or complete a development agreement with the Town to be registered on title of the lands to address the following:
 - (i) The applicant will be responsible for the installation of connections to the municipal water supply and sanitary sewer systems and all costs associated with such connections prior to any development of the lot. All work shall be approved in advance by the Town's Director of Roads and Public Works and completed to standards acceptable to the Town;

8. That the applicant obtains any approvals required under the Ministry of Environment's Certificate of Approval process to extend municipal water and sewer services to the severed and retained parcels; and,
9. That the applicant pays for the cost to extend municipal water and sewer services to the severed and retained parcels.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

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

Mary Kirkham

From: DIANE OBRIEN <diane_obrien@rogers.com>
Sent: August 11, 2014 12:50 PM
To: Mary Kirkham
Subject: File # B14/059

I do not think the owner should be able to sever. For the life of me, I cannot figure out where he is getting the 793.75 sq m from. I stopped by the land registry and they do not even have his new survey on file.

As a side note: We have lived in our home for 26 years. When we bought, the peg was on one side of the driveway. With construction during the years, the peg was removed. With his survey, the peg is in our driveway and we have been told that we are going to have to move it. His surveyors removed one of the pegs and could not find any more. I found the peg that would line up with the hydro pole that I have been told straddles the property line.

Is this owner going to encroach on other people's property? Is that how he is getting the 793.75 sq. m?

He is a very untidy construction person. We are continually picking up garbage from his site. The last bit was insulation that was probably full of mouse droppings. He put a fence up the first night when he started digging the hole. The fence was taken down the next day and was not put up for another two weeks only because I requested him to do it. He also did not apply for a road closure permit when he moved the house onto our street. He cut off 39 homes for over an hour because of his failure to acquire one.

I am hoping this owner does not get another building permit from Mississippi Mills.

Please notify me if a public meeting is going to be held.

Regards ... Diane O'Brien
211 Adelaide St.,
P.O. Box 1404
Almonte, Ontario. K0A 1A0

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 793.75 sq.m. residential lot and retain a 793.75 sq.m. residential lot. The applicant proposes to down-zone the lands to Residential 1st Density to accommodate a single family dwelling on each of the lots.

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

The lands are accessed via Adelaide 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/ 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 not been mapped as 'woodlands'.

Zoning

The subject property is currently within the residential second density which provides for semi's and multi-unit development. A re-zoning to Residential First Density will allow the owner to construct two single family dwellings. The proposed lot meets the minimum lot frontage and size for residential first density. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

The Provincial Policy Statement encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town's Zoning By-law. The application can meet the consistent with test of the Provincial Policy Statement. There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(e) MINUTES – Sept 8, 2014

Manfred Schuck, owner and Diane O'Brien, adjacent landowner attended the hearing and gave evidence under oath.

Mr. Schuck advised that the lot to be retained and severed currently have residential dwellings, and that the dwelling on the severed lands is to be demolished.

Ms. O'Brien questioned the location of the survey pegs, noting that they had been moved. Also, expressed concerns with the condition and look of the buildings.

Mr. Schuck advised that the building must be demolished in accordance with his permit by October 2014, and that his new dwelling will conform with the required setbacks.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The 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.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The applicant either modifies the location of the detached dwelling on the severed parcel to comply with the minimum exterior side yard requirement of the R2 Zone, or obtains relief from the Town's Zoning By-law #11-83 to address the deficient exterior side yard by way of a minor variance or zoning by-law amendment. The applicant shall consult directly with the Municipality in this regard.
7. The applicant shall obtain the necessary site plan approvals for the severed and retained lands. The applicant shall consult directly with the Town in this regard.
8. The applicant shall install municipal water and sewer connections to the severed and retained parcels or complete a development agreement with the Town of Mississippi Mills to be registered on title of the lands to address the following:
 - a/ The applicant will be responsible for the installation of connections to the municipal water supply and sanitary sewer systems and all costs associated with such connections prior to any development of the lot. All work shall be approved in advance by the Town's Director of Roads and Public Works and completed to standards acceptable to the Town.

- b/ That the applicant obtains any approvals required under the Ministry of Environment's Certificate of Approval process to extend municipal water and sewer services to the severed and retained parcels; and,
 - c/ That the applicant pays for the cost to extend municipal water and sewer services to the severed and retained parcels.
9. The applicant shall obtain a new residential entrance permit. The applicant shall consult directly with the Town of Mississippi Mills.
 10. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
 11. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #10 has been fulfilled to their satisfaction.