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The Land Division Committee met in regular session on Monday, September 14, 2015 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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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**

The meeting was called to order at 9:00 a.m.  
A quorum was present.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None

**3. APPROVAL OF MINUTES**

**MOTION #LD-2015-34**

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

"**THAT**, the minutes of the Land Division Committee meeting held on August 10, 2015 be approved as circulated."

**ADOPTED**

**4. ADDITIONS AND APPROVAL OF AGENDA**

**MOTION #LD-2015-35**

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

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

**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 B14/078, B14/079 and B14/080 – Francis R. Myke & Donna J. Watson – three new lots  
Pt. Lot 13 Conc. 9, geographic Township of Drummond, now in the Township of Drummond / North Elmsley.  
Baptist Church Road.
- 6.2 B15/044 – St. James Anglican Church – new lot  
Lot 124 Plan 276, Town of Carleton Place.  
William / Edmond Street.
- 6.3 B15/083 – David Bangs – new lot and lot addition  
Pt. Lot 21 Conc. 10, geographic Township of North Burgess, now in Tay Valley Township.  
Upper Scotch Line Rd.
- 6.4 B15/091 – Daniel Jibb and Nancy Veary –  
R-O-W/ Easement  
Pt. Lot 7 Conc. 6, geographic Township of Darling, now in the Township of Lanark Highlands. Caldwell Lane.
- 6.5 B15/021 – Estate of Joseph and Anita St. Amour –  
new lot  
Pt. Lot 10 Conc. 1, geographic Township of South Sherbrooke, now in Tay Valley Township.  
Farren Lake Lane 11.
- 6.6 B15/025, B15/026, B15/027 and B15/028 – Pickerel Bay Lodge – three lot additions and one new lot.  
Pt. Lot 23 Conc. 10, geographic Township of Darling, now in the Township of Lanark Highlands.  
Pickerel Bay Road & Unopened Road Allowance.
- 6.7 B15/050, B15/051 and B15/052 –  
Orville and Christine Dizzell – three new lots  
Pt. Lot 15/16 Conc. 5, Township of Montague.  
Nolan's Road.

- 6.8 B15/057 – Gordon Scott Matthews – new lot  
Pt. Lot 19 Conc. 2, Township of Beckwith. Bourne Road.
- 6.9 B15/068, B15/069 and B15/070 –  
Dale and Patricia Bjorgan – three new lots  
Pt. Lot 26 Conc. 9, Township of Montague.  
McGuire Road and Brown Road.
- 6.10 B15/071 – Bradley W. Ebbs and Holly A. Ebbs – new lot  
Pt. Lot 11 Conc. 3, Township of Beckwith. Powell St.
- 6.11 B15/073 – James Foster – new lot  
Pt. Lot 23 Conc. 10, Township of Beckwith.  
McCuan Road.
- 6.12 B15/079 - William and Sharon Henry – new lot  
Pt. Lot 6 Conc. 5, geographic Township of Ramsay, now  
in the Town of Mississippi Mills. Quarry Road.
- 6.13 B15/084 Kenneth D. & Margaret H. Ziebarth –  
lot addition  
Pt. Lot 17 Conc. 11, geographic Township of Pakenham,  
now in the Town of Mississippi Mills.  
11th Con N Pakenham.
- 6.14 B15/089 – 1427386 Ont. Ltd. – new lot  
Lot 18 Plan. 1222, Town of Carleton Place.  
Moffatt Street.

**7. DEFERRED APPLICATIONS**

None

**8. CONFIDENTIAL REPORTS**

None

**9. COMMUNICATIONS/OTHER BUSINESS**

- 9.1 Validation of Title – B15/112 – Abbass  
Lots 8 and 28 Plan 8897, Township of Montague.

**MOTION #LD-2015-36**

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

**"THAT** application made by Ross Clifflen and Associates requesting Validation of title under Section 57 of The Planning Act for lands described as Lot 8 Plan 8897, described as Lot 1 on Reference Plan 27R-3760; Township of Montague (PIN 05247-0121) and Lot 28 Plan 8897; Township of Montague (PIN 05247-0092) be approved."

**ADOPTED**

- 9.2 Hydrogeological Investigations – discussion on draft 'scoped' hydrogeological study requirements. – Deferred to next meeting.
- 9.3 Young Consent Applications B13/069 to B13/072 - Notice from OMB regarding proceeding minutes of August 19, 2015.
- 9.4 Financial Report – The secretary-treasurer provided a financial report to July 2015.
- 9.5 Terms of Reference RFP for County Planning Department - Chairman Strachan advised that he had requested further information from L. Drynan, Deputy Clerk on Terms of Reference for the RFP. Ms. Drynan had advised that no Terms of Reference had been prepared, only direction from the Economic Development Committee that "a Planning Department Administrative Review be undertaken, including personnel and processes, as soon as possible, by an outside consultant".

**MOTION #LD-2015-37**

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

**"THAT,** chair draft a letter to the CAO and Deputy Clerk, requesting that the Land Division Committee be invited to make a presentation to the successful consulting firm, to outline the Land Division Committee operations, for consideration in their report to County Council."

**ADOPTED**

**10. PROVISIONAL CONSENT GRANTED**

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

The hearings recessed for lunch between 12:00 p.m. and 1:30 p.m.

- 8 - 21            10.1 B14/078, B14/079 and B14/080 – Francis R Myke & Donna J Watson – three new lots
- 22 - 30           10.2 B15/021 – Estate of Joseph and Anita St. Amour – new lot
- 31 - 42           10.3 B15/050, B15/051 and B15/052 – Orville and Christine Dizzell – three new lots
- 43 - 51           10.4 B15/057 – Gordon Scott Matthews – new lot
- 52 - 65           10.5 B15/068 and B15/069 – Dale and Patricia Bjorgan – two new lots
- 66 - 73           10.6 B15/071 – Bradley W Ebbs and Holly A Ebbs – new lot
- 74 - 86           10.7 B15/073 – James Foster – new lot
- 87 - 98           10.8 B15/079 - William and Sharon Henry – new lot
- 99 - 106          10.9 B15/083 – David Bangs – new lot and lot addition
- 107 - 113        10.10 B15/084 Kenneth D & Margaret H Ziebarth – lot addition
- 114 - 119        10.11 B15/089 – 1427386 Ont. Ltd. – new lot
- 120 - 123        10.12 B15/091 – Daniel Jibb and Nancy Veary – R-O-W/ Easement

**11. PROVISIONAL CONSENT DEFERRED**

- 11.1 B15/025, B15/026, B15/027 and B15/028 – Pickerel Bay Lodge – three lot additions and one new lot.

**MOTION #LD-2015-38**

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

**"THAT,** Consent applications B15/025 through B15/028 be deferred to the October 20, 2015 LDC Hearing;

**AND THAT,** the Secretary-Treasurer a list of intended outcome of the applications as understood by the Committee to the applicant for confirmation;

**AND THAT,** if confirmation, the new information be circulated to the Township of Lanark Highlands for review and consideration."

**ADOPTED**

11.2 B15/044 – St. James Anglican Church – new lot

**MOTION #LD-2015-39**

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

**"THAT,** the Hearing for Consent Application B15/044 – St James Church, be deferred to the October 20, 2015 hearing;

**AND THAT,** representatives of the Town be requested to attend the October 20th hearing to provide additional background on their request for an extended deferral to await the OMB Decision on an appeal to the Development Permit application for these lands;

**AND THAT,** a copy of the Town's Planning Committee report of September 8, 2015 be provided to the St. James Church agent."

**ADOPTED**

11.3 B15/070 – Dale and Patricia Bjorgan – one new lot

**MOTION #LD-2015-40**

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

**"THAT,** Consent Application B15/070 be deferred to a later date to allow the applicant time to prepare and submit and Environmental Impact Statement and/or

Geotechnical Report to determine if and/or where a suitable building envelope could be located on the lands.”

**ADOPTED**

**12. UPCOMING MEETINGS AND NOTICES**

- 12.1 1. September 24 to 25, 2015 – OACA Fall Seminar – North Bay.
2. October 19, 2015 at 9:00 a.m. – D. Murphy advised that he is unable to attend.
3. November 16, 2015 at 9:00 a.m. – R. Strachan advised that he is unable to attend.
4. December 8, 2015 – Inaugural Meeting of County.
5. December 14, 2015 at 9:00 a.m.

**MOTION #LD-2015-41**

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

*"THAT, the October meeting be changed to Tuesday, October 20, 2015."*

**ADOPTED**

- 12.2 Draft Meeting Date Schedule for 2016 - copy attached. To be finalized at the October 20, 2015 meeting.

**13. ADJOURNMENT**

**MOTION #LD-2015-42**

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

*"THAT, the meeting do now adjourn at 3:10 p.m."*

**ADOPTED**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Francis R. Myke & Donna  
J. Watson

**Hearing Date:** Sept 14, 2015

**Agent:** Tracy Zander, ZanderPlan Inc.

**LDC File #:** B14/078, B14/079 & B14/080

**Municipality:** Township of Drummond/N. Elmsley

**Geographic Township:** Drummond

**Lot:** 13

**Conc.:** 9

**Roll No.:** 0919 919 020 11500

**Consent Type:** New Lots

**Purpose and Effect:** To sever three (3) residential building lots (two at 0.975-ha and one at 2.03-ha) and retain a 14.47-ha landholding with an existing dwelling and barn located at 260 Baptist Church Sideroad. B14/078 and B14/079 are accessed via Drummond Con 10A and B14/080 is accessed via Baptist Church Sideroad.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed B14/078</b>	<b>Lands to be Severed B14/079</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.975 ha 78 m on Conc. 10A 125 m Municipal Road	0.975 ha 78 m on Conc. 10A 125 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed well Proposed Septic	Proposed well Proposed Septic
<b>Zoning By-law Category</b> <b>-Area (minimum)</b> <b>-Compliance?</b> <b>-Frontage (minimum)</b> <b>-Compliance?</b>	Rural 0.4-ha Yes 45 m Yes	Rural 0.4-ha Yes 45 m Yes



DETAILS OF PROPOSAL	Lands to be Severed B14/080	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	2.03 ha	14.47 ha
Frontage	130 m on Baptist Church Side Road	319 m on Baptist Church Side Road
Depth	156 m	295 m irregular
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed Septic	Private Septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	Yes	Yes

**Official Plan Designation:** Rural

**Conformity:** 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.

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

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

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

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

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

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

**Application**

Thank you for circulating the Township of Drummond/North Elmsley on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law.

As indicated, the applicant seeks permission to sever three residential building lots and retain a 14.47 ha (36-acre) parcel with a house and barn. The three lots are proposed in the northwest corner of the lot in between existing residential development to the east and south. Two lots (0.98 ha/2.4 acres each) will front on Drummond Concession 10A and the third lot (two ha/5 acres) will front on Baptist Church Side Road. Both of these roads are owned and maintained by the Township. According to the information available, three previous severances have been taken from the original lot of record in 1992, 1993 and 1994. While the Township's Official Plan allows a maximum of three severances from an area of land as it existed in 1979, Section 6.3.2.6(5) allows additional lots to be split from the parent parcel where it fronts on more than one public road, provided all other policies are satisfied. This provision would apply here given that the result, if approved, would be that three post-1979 lots are created and accessed from each separate road frontage. In cases where this additional development is proposed by consent, the Township may also request additional supporting studies where necessary to demonstrate the suitability of the development. As such and in support of this application, a hydrogeological assessment was submitted that considered this proposal within the context of the existing residential development nearby.

**Policy Review**

All new lot creation must comply with the Township's and County's Official Plan

and be consistent with the new Provincial Policy Statement. Staff reviewed this application against the policies of the Township's Official Plan and note the following:

- Sec. 4.3 (Rural Designation): This Section is supportive of "limited" residential development provided that it is appropriate and compatible in its rural setting. The Myke/Watson property is located in a very rural section of Drummond Ward, about 4 km from Highway 7 and is largely open, with some scrubland at the north where the lots are proposed. The surrounding lands are a mix of farmland, woods and scattered residential development. Close to the intersection of Concession 10A and Baptist Church Side Road are several non-farm residences and this application serves to divide an otherwise unused portion of the lot in between existing residential lots into three new residential lots. This effectively infills that corner and would not adversely impact the character or usability of the retained lands (agricultural or otherwise) or surrounding lands.

Sec. 3.4 (Agricultural Uses): The- intent of this policy is to ensure that new residential development does not constrain or conflict with existing agricultural operations. This is implemented through Minimum Distance Separation guidelines and pursuant to that policy, reports were completed that showed an adequate distance between the proposed lots and two nearby livestock facilities.

- No Natural Heritage features were identified on the subject property. While Significant Woodlands (Sec. 3.13.5) are mapped on the north size of Drummond Conc. 10A, staff are of the view that since there is a concession road and two dwellings between the substantial woodland area and the proposed lots, for the purposes of this policy, the woodland adjacent the proposed lots and any impact thereon would not be considered significant.

- Sec. 3.10.3 (Natural Hazards): Where a watercourse or creek is identified on a lot, appropriate setbacks will be determined in consultation with the applicable conservation authority. In this case a tributary of Haley Creek was identified and a development setback of 30 m (and no-touch setback of 15 m) from the high watermark was deemed to be an appropriate setback.

- Sec. 6.3.2.5 (Consents- Hydrogeological Study): In areas of extensive existing development, a hydrogeological and terrain analysis may be required to assess cumulative impacts of new residential development. In support of this policy and as requested by the Township, a study was prepared and revised by BluMetric Environmental which advised that the proposed severances are suitable provided that certain recommendations regarding well and septic systems are followed. This can be implemented through a development agreement.

From a zoning perspective, the severed lands and the retained lands are zoned Rural and this application is consistent with all applicable provisions of the Township's Zoning By-law.

#### Conclusion and Recommendation

Upon review of this application, staff are of the view that this application is consistent with the Township's planning policies

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The applicant shall confirm that residential entrances are viable for the severed lots. The applicant shall consult directly with the Township in this regard.
- 4) The Applicant shall obtain Civic Address Numbers from the Township of Drummond/North Elmsley for the severed lots. The applicant shall consult directly with the Township in this regard.
- 5) The applicant shall enter into a development agreement with the Township to:
  - recognize and implement the findings and recommendations of the Revised Hydrogeological Assessment prepared by BluMetric Environmental dated July 24, 2015; and
  - implement the natural heritage recommendations contained in the report of the Mississippi Valley Conservation Authority dated October 31, 2014.
- 6) Sufficient land for road widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

**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 applications is to sever (3) vacant lots measuring 0.975 ha (#1), 0.975 ha (#2), and 2.03 ha (#3) and retain a developed lot measuring 14.47 ha.

**PROPERTY CHARACTERISTICS**

According to a review of available GIS mapping and aerial photography, a tributary of Haley Creek flows through Severance #2 and #3. In addition, GIS mapping shows that unclassified wetland exists in the southeast corner of the retained lands. No other natural heritage features or natural hazards were identified.

**REVIEW**

Sufficient area appears to exist on the severed lands for new development that complies with the standard waterbody setback of 30 m. Therefore, impacts to the watercourse are not anticipated as a result of the subject application. The retained lands are already developed with no new development proposed at this time.

#### CONCLUSION AND RECOMMENDATIONS

MVCA does not have any objection to the subject applications provided the following mitigative measures are implemented on Severance #2 and #3:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the tributary.
2. The shoreline vegetation surrounding the tributary shall be retained to a minimum depth of 15 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary, or onto adjacent properties.

#### 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.

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to any alterations to the shoreline of the tributary.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the tributary, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

**Conservation Authority** – Mississippi Valley Conservation Authority – Technical Hydrogeological Review.

As requested, technical staff with Mississippi Valley Conservation Authority (MVCA) have reviewed BluMetric's August 2015, letter report entitled 'Hydrogeological Assessment-Revised' on behalf of the Township of Drummond North Elmsley and the County of Lanark. The report was submitted in support of an application with the County to sever three lots at the intersection of Concession Road 10A and Baptist Church Side Road, near Prestonvale. The severed lots are to be approximately one to two hectares in size and serviced by private on-site water wells and wastewater treatment systems (OWTS).

As per a memorandum of understanding with the County of Lanark, MVCA reviewed the consultant's submission as per a scoped interpretation of the Ministry of Environment's official guidance in: Procedure 0-5-5, Technical Guideline for Private Wells, Water Supply Assessment; and in Procedure 0-5-4, Technical Guideline for Individual On-site Sewage Systems, Water Quality Impact Risk Assessment. These documents are explained in the MOE's April 1995, 'Hydrogeological Technical Information Requirements for Land Development Applications'.

This letter should be read in conjunction with MVCA's original review letter dated February 6, 2015.

MVCA recommends that the County of Lanark and the Township of Drummond/North Elmsley accept BluMetric's August 27, 2015, Hydrogeological Assessment - Revised, in support of private servicing for the application for multiple severances B14/078 through B14/080. MVCA is satisfied that BluMetric's submission provides the professional opinions with enough substantiating information to indicate that any groundwater supply wells installed on the property, to the specifications of the test well used in the study, will be able to provide enough water to run these households over the long-term and not interfere with the use of well water on adjacent properties; and that these wells will provide groundwater that meets the Ontario Drinking Water Standards, Objectives and Guidelines.

In addition, MVCA is satisfied that BluMetric's submission provides the professional opinions with enough substantiating information to indicate that the site is suitable, from a planning and groundwater protection perspective, to adequately attenuate the effluent from properly maintained on-site wastewater treatment systems.

MVCA recommends that the Leeds, Grenville & Lanark Health Unit be informed of BluMetric's recommendations for the locations of all future on-site wastewater treatment systems. See 'Summary and Conclusions'.

MVCA further recommends that all future lot owners be:

- given BluMetric's August 27, 2015 letter report with specific reference to the following sections: 'Regional Well Water Quality', 'Water Well Design' and 'Summary and Conclusions' .
- given information about test well construction specifications in reference to this well's Water Well Record .
- informed that the accepted study (BluMetric's August 27, 2015) is only valid in respect to groundwater supply wells that are constructed to similar specifications as the test well referenced above. The suitability of any groundwater from water supply wells constructed otherwise has not been determined.

Mississippi Valley Conservation Authority has not conducted any independent site investigation to confirm the validity of the data, analyses, interpretations and recommendations presented in BluMetric's August 27, 2015, revised Hydrogeological Assessment. MVCA has accepted the findings as conveyed and the professional opinions of the qualified professional who has conducted and signed the hydrogeological report.

**Septic Office** – Leeds Grenville and Lanark District Health Unit

Severed – B14/078 – Approximately 0.975-hectare parcel of land consisting of mixed vegetation/bushland, gentle slope and subject to seasonal wetness. Fill required to construct onsite sewage system (tile bed).

Severed - B14/079 - Approximately 0.975-hectare parcel of land, relatively flat, bushland and some areas subject to high water table/seasonal wetness. Fill required to construct onsite sewage system (tile bed).

Severed – B14/080 – Approximately 2.03 hectare parcel of land consisting of open field, mixed vegetation and relatively flat. Some areas may be subject to seasonal wetness. Fill required to construct onsite sewage system (tile bed).

Retained – Approximately 14.47-hectare parcel of land with existing dwelling, barn, outbuilding, drilled well and raised septic system. Land consists of agricultural fields, bushland and some areas subject to seasonal wetness. Severance will not impact future replacement of septic system. Fill will be required to replace existing septic system in the future.

**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.

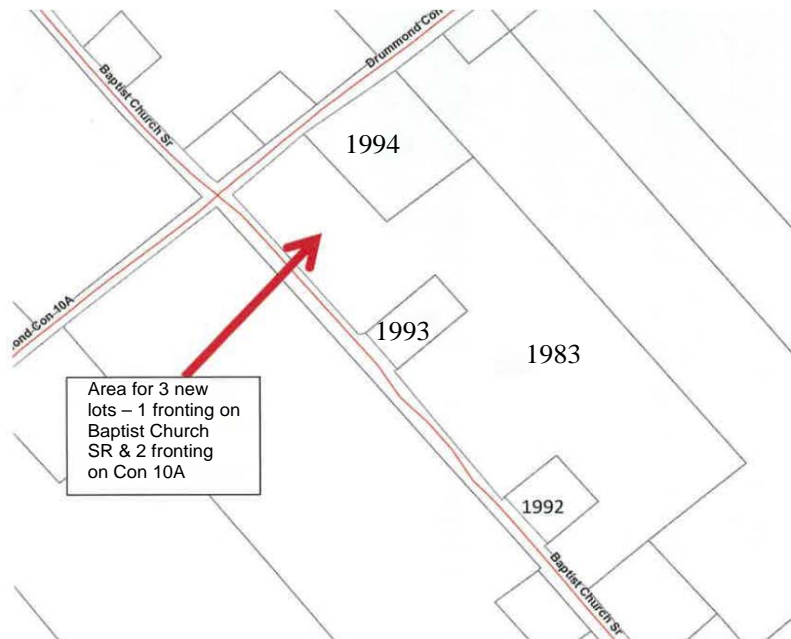
**(c) PUBLIC INPUT**

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 three residential building lots and retain 14.47-ha landholding, with an existing dwelling located at 260 Baptist Church Side Road. The original parcel of land was created in 1983, since that time 3 consents have been granted – 1992, 1993 and 1994. The D/NE Official Plan allows for additional lots to be created where a landholding fronts on two or more roads.



The subject lands are located in an area characterized by semi-hamlet type development. Over 20 lots are within a 1-km radius, for this reason, the Township requested that a 'scoped hydro-geological' report be provided to ensure that there was sufficient and potable water for additional development to occur. The report concluded that the subject properties are considered suitable for development, with the following recommendation: *"With an inferred groundwater flow direction towards the north and/or east it is recommended at well supplies be constructed on the south or west side of the residence and septic systems be located on the north or east side of the residences."* It is recommended that the application either enter into a development agreement or site plan agreement to ensure that the suggested locations as per the Hydro-G report are maintained.

The lands are accessed via Baptist Church Side Road and Con 10A Drummond, both municipally maintained roads.

Soils Inventory – Name: Muck

- Stoniness: non-stony
- CLI: not rated
- Drainage: very poor
- Hydrogeology: high run-off

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:

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



for Drummond / North Elmsley is January 1, 1979.

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

3. Woodlands

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

Zoning

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

The subject property is currently within the Primary residential section of the development Permit By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meet the minimum frontage and any dwelling constructed on the lands will be required to meet the 60% lot coverage requirement of the Development Permit 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 Drummond / North Elmsley and could be given favourable consideration.

(e) **MINUTES – September 14, 2015**

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

Ms. Zander provided a brief background report on the applications and the studies

provided required to be submitted as a result of the multiple lot division of land.  
Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

**B14/078**

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 Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. That the applicant enter into a Development Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall:
  - recognize and implement the findings and recommendation of the Revised Hydrogeological Assessment prepared by BluMetric Environmental dated August 27, 2015; and
  - implement the natural heritage recommendations contained in the report of the Mississippi Valley Conservation Authority dated October 31, 2014.
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be

consulted prior to commencing a survey to determine the amount, if any, of road widening required.

9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
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 and Forestry 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.*

#### **B14/079 and B14/080**

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 Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. That the applicant enter into a Development Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall:
  - recognize and implement the findings and recommendation of the Revised Hydrogeological Assessment prepared by BluMetric Environmental dated August 27, 2015; and
  - implement the natural heritage recommendations contained in the report of the Mississippi Valley Conservation Authority dated October 31, 2014.
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #8 has been fulfilled to their satisfaction.

**NOTES**

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Mississippi Valley Conservation Authority advises that:*
  - 2.1. *Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the tributary.*
  - 2.2. *The shoreline vegetation surrounding the tributary shall be retained to a minimum depth of 15 metres.*
  - 2.3. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary, or onto adjacent properties.*

3. *The MVCA also advise that, pursuant to Ontario Regulation 153/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA prior to any alterations to the shoreline of the tributary.*
4. *In addition, consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfompo.gc.ca](mailto:fisheriesprotection@dfompo.gc.ca) prior to conducting any work within the tributary, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
5. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
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 and Forestry 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:** Estate of Joseph & Anita St Amour      **Hearing Date:** Sept 14, 2015  
**Agent:** Marcel St Amour      **LDC File #:** B15/021  
**Municipality:** Tay Valley Township      **Lot:** 10      **Conc.:** 1  
**Geographic Township:** South Sherbrooke  
**Roll No.:** 0911 914 015 08303      **Consent Type:** New lot

**Purpose and Effect:**

To sever a 0.15-ha lot with an existing seasonal dwelling at 220 Farren Lake Lane 11 and retain a 0.125-ha lot with an existing seasonal dwelling at 226 Farren Lake Lane 11.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Seasonal residential	Seasonal residential
<b>Proposed Use</b>	Seasonal residential	Seasonal residential
<b>Area</b>	0.15-ha	0.125-ha
<b>Frontage – road</b>	28.06 m	28.08 m
<b>Frontage - water</b>	30.48 m	30.0 m
<b>Depth</b>	50.05 m	46.0 m
<b>Road - Access to</b>	Private Road	Private Road
<b>Water Supply</b>	Lake Water	Lake Water
<b>Sewage Disposal</b>	Septic System	Septic System
<b>Zoning By-law Category</b>	Seasonal Residential	Seasonal Residential
<b>-Area (minimum)</b>	0.405-ha	0.405-ha
<b>-Compliance?</b>	No	No
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	No	No

**Official Plan Designation:** Rural

**Conformity:** 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.

### **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 2 General Development Policies, Section 3.6 Rural Policies, 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.

Tay Valley Township advises that the lots do not comply with the zoning by-law regulations. A re-zoning will be required to acknowledge existing conditions for frontage, lot size and water setbacks.

### **(b) AGENCY REVIEW**

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

#### **Township Planner's Report -**

##### **BACKGROUND**

The proposal is to sever a 0.15 ha lot with an existing seasonal dwelling and retain a 0.125 ha lot with an existing seasonal dwelling.

##### **DISCUSSION**

Consistent with Provincial Policy Statement	Yes
Conforms to Official Plan	Yes
Complies with Zoning By-Law	No
Recommend consent for this application	Yes

##### **Recommended Conditions**

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Rezone both severed and retained lots to RLS with exceptions for frontage and area

##### **Advisory Notes**

- No development is to occur within 30 metres of a waterbody. If development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement will be required.



## PROVINCIAL POLICY STATEMENT

No concerns.

## OFFICIAL PLAN

Section 3.6 Rural: The two existing cottages were purchased as two properties when purchased in 1966, but merged in the parents' ownership. This situation has come to light as a result of settling the estate of the parents. The severance is to correct title.

## ZONING BY-LAW

Section 5.2 Seasonal Residential: Both lots have 30m water frontage on Farren Lake, less than the zone provision of 60m. Both lots are undersized for the zone requirements. A rezoning is recommended to Residential Limited Service exception zones to acknowledge existing conditions for frontage and lot area and water setbacks of the two existing dwellings.

## CONSERVATION AUTHORITY

Rideau Valley Conservation Authority (RVCA) comments not available at the time of the report.

## SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) has no objection. Both dwellings have their own sewage systems and both meet the current minimum separation distance from the proposed lot line.

## CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed in the Staff Recommendation section above.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That, the applicant submit a Zoning Amendment Application for both the severed and retained lots to be rezoned to Residential Limited Services Special Exception.
5. That, approval be dependent on the Zoning Amendment approvals.
6. That, no development is to occur within 30 metres of a waterbody; however if development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement is required.

## **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 15, 2015.

The purpose of the application is to correct the title as 220 and 226 Farren Lake Lane 11 had merged. Both properties are developed with cottages and Class 4 sewage systems. Both sewage systems have re-inspected in the past.

Based on information from the applicant and collected onsite, both sewage systems meet the current minimum separation distance from the lot line between the parcels.

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.

If you have any questions, please do not hesitate to call.

**Conservation Authority** – Rideau Valley Conservation Authority not available – their standard clause is:

*The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation” under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*

*The RVCA should be contacted prior to any new development. Development is defined as the construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.*

**Ontario Hydro** - advised that they have no objections to the severance.

**Bell Canada**

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

We have no concerns or objection to the proposed severance.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 0.15-ha lot with an existing dwelling located at 220 Farren Lake Lane 11 and retain a 0.125-ha lot with an existing seasonal dwelling located at 226 Farren Lake Lane 11.

The two cottage lots were purchased in 1966 and 1970 as separate ownership and separate deed – the cottage on 220 Farren Lake Lane 11 was constructed in 1970 and the cottage at 226 Farren Lake Lane 11 was constructed in 1967. The applicants receive two separate tax bills. When the deeds were converted from Land Registry to Land Titles, the lots merged as the lands were under the same ownership. This merging on title was not known until the Estate was being settled.

The subject lands are located in an area characterized by typical seasonal residential on smaller type lots along the waterfront and larger lots to the rear of these lots.

### Archaeological

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

### FARREN LAKE

A "State of the Lake Environment Report" was undertaken on Farren Lake in 2001. The report was able to conduct a comparison between water quality conditions as they existed in 2001 to results obtained from 19705 to 2001. The historical data and the results of the 2001 sampling indicate that Farren Lake has a low level of nutrients well below the accepted threshold values above which impacts can be expected. Minor algae blooms may occur occasionally but the impact will be minimal. There was no indication of any bacterial pollution occurring. The lake was also tested for invasive species. Neither the zebra mussels or spiny water flea were found. However, residents need to take precautions to avoid brining in invasive species as well as to ensure that access points to the lake have signs indicating what boaters can do to avoid infesting the lake. Farren Lake enjoys some renown for high quality fishing of species not found in other area lakes. To preserve this status, residents have undertaken shoreline replanting, septic surveys, etc.

### ACCESS

The lands are accessed via Farren Lake Lane 11 a private road which adjoins Althorpe Road, a municipally maintained road.

### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3 Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have 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 seasonal dwellings. The proposed lot and retained lot does not meet the minimum lot frontage and size. The Township is requesting that the severed and retained lots be re-zoned to acknowledge existing conditions.

#### 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 – September 14, 2015**

Marcel St Amour, applicant attended the hearing and gave evidence under oath.

Mr. St Amour, advised that the properties had been purchased separately, and at different time but had merged on title.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

#### **B15/021**

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 deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. 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.
7. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. 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 Tay Valley Township in this regard.
10. A letter shall be received from Tay Valley Township stating that condition #5 through #9 has been fulfilled to their satisfaction.

**NOTES**

1. *Tay Valley Township advises that no development shall occur within 30 metres of a waterbody; however if development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement is required.*
2. *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.*
3. *Residents and users of Farren Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from other lakes.*
4. *The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. Any new development will require consultation with the RVCA. Development is defined as the construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.*

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 and Forestry 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:** Orville and Christine Dizzell

**Hearing Date:** Sept 14, 2015

**Agent:** N/A

**LDC File #:** B15/050 to B15/052

**Municipality:** Township of Montague

**Geographic Township:** Montague

**Lot:** 15/16

**Conc.:** 5

**Roll No.:** 0901 000 020 40255

**Consent Type:** Three New Lots

**Purpose and Effect:**

To sever three (3) residential building lots 2.64-ha, 1.71-ha and 2.04-ha with access onto Nolan's Road and retain a 116.6-ha landholding with an existing dwelling and outbuildings located at 6112 Roger Stevens Road.

<b>DETAILS OF PROPOSAL</b>	<b>B15/050</b>	<b>B15/051</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	2.64-ha	1.71-ha
<b>Frontage</b>	152.44 m	76.22 m
<b>Depth</b>	172.99 m	224.95 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed	Proposed
<b>Sewage Disposal</b>	Proposed	Proposed
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	46 m	46 m
<b>-Compliance?</b>	Yes	Yes
<b>DETAILS OF PROPOSAL</b>	<b>B15/052</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Farm Residential
<b>Proposed Use</b>	Residential	Farm Residential
<b>Area</b>	2.04-ha	116.48-ha
<b>Frontage</b>	76.22 m	521 m
<b>Depth</b>	268.29 m	1835 m
<b>Road - Access to</b>	Municipal Road	County Road
<b>Water Supply</b>	Proposed	Private Well
<b>Sewage Disposal</b>	Proposed	Septic System
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	46 m	46 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural

**Conformity:** 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.

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



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

**Local Official Plan** – Section 2 General Provisions, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Division of Land.

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

**Zoning By-law** – Section 3 General Provisions, Section 17 Rural Zone.

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

Thank you for circulating the Township of Montague on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. This application has been revised from the original submission in order to address concerns relating to natural hazards on the lands. As indicated in the amended application, the property owners seek permission to sever three residential lots from the eastern edge of the property, whereby avoiding the low and wet area at the middle of the lot (the organic soils and wetlands). The lots range in size from 1.71 to 2.64 ha and they all front on Nolan's Road, which is a public road owned and maintained by the Township. The retained lands are bisected by high-tension power lines (which form the southern boundary of the proposed lots) and are a mixture of wetlands, fields and scattered woodlands.

The landholding extends south to Roger Stevens Drive, where there is a house and barns (civic address 6112 Roger Stevens Drive). The Township has no record of previous severances from the Dizzell property and as such, this application could be considered under the Township's lot creation policies.

**Review**

The severed and retained lands are located within the Rural Designation as outlined in the Township's Official Plan. Section 36.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low-density residential development.

This section of Nolan's Road passes through a mixed landscape of low woodlands and wetlands, although there are a number of residential dwellings on large lots to the west of the subject lot. Within this context, the larger lot sizes allow some degree of privacy for future residents, while keeping with the natural character of the area. While the severed lands are partially treed, these woods are not considered "significant" as per the Official Plan and there are no other natural hazard or heritage constraints mapped on the severed lands, although it should be noted that the westerly lot (B15/052) is close to mapped organic soils, which are a potential hazard in construction.

While there are several development constraints on the retained lands, including the wetlands as well as significant wildlife habitat and significant woodlands, the property is already residentially developed and the consent applications would not impact the development potential of the retained lands. As the severances front on a public road, they satisfy the access policies of the Official Plan (Sec. 2.16) and while the road is a gravel surfaced road, the lots are located less than two kilometres from a major transportation route (Rosedale Road). It is felt that three additional residential lots will not have a consequential impact on municipal services or infrastructure.

From a zoning perspective, the entire Dizzell property is zoned Rural and this application is consistent with all provisions of the Zone with respect to the severed lots and the retained.

#### Conclusion and Recommendations

In conclusion and for the reasons outlined above, staff are of the view that these consent applications are consistent with the Township's planning policies

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The Applicant shall confirm that residential entrances to the severed and retained lands are viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 4) The Applicant shall obtain Civic Address Numbers from the Township of Montague for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
- 5) The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof
- 6) The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale on Lot B15/052 the following wording  
*"TAKE NOTICE that (his lot is located adjacent to an area identified as containing organic soils. This is considered a natural hazard to development and prior to development of this lot, the property owner is advised that the suitability of the soil should be professionally evaluated."*

#### **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 revised proposal is to sever a 2.04 hectare lot, a 2.64 hectare lot and a 1.71 hectare lot from the existing lot which would ultimately result in a total of four lots.

## PROPERTY CHARACTERISTICS

### Severed Parcel B15/050 (Lot 3)

The majority of the severed parcel is treed with a portion of the parcel identified as Significant Woodlands in the Township's Official Plan. An unevaluated wetland has been identified on a small portion of the property. The lot is currently vacant.

### Severed Parcel B15/051 (Lot 1)

The severed parcel is primarily treed. The lot is currently vacant.

### Severed Parcel B15/052 (Lot 2)

The severed parcel is primarily treed. The lot is currently vacant.

### Retained Parcel

Majority of the retained parcel is treed and has been identified as being Significant Woodlands in the Township's Official Plan. A watercourse traverses the property with an unevaluated wetland on majority of the property. The retained parcel is already developed with a farm (residence and out buildings).

## REVIEW

### Natural Hazards

#### Severed Parcel B15/051 through B15/052

There have been no natural hazards identified on these severed parcels which would preclude this application.

### Organic Soils

While there have been no organic soils identified on the severed parcels, severed parcel B15/050 (Lot 3) is adjacent to an area identified as organic soils in the Township's Official Plan. Organic soils are considered a natural hazard (hazardous site) in the Provincial Policy Statement. Therefore, Conservation Authority advises that the applicant may want to have a Professional Engineer verify that organic soils are not present during the construction of a residence on Lot 3 given the close proximity to the organic soils identified on the retained parcel.

### Retained Parcel

Portions of the retained parcel have been formally identified as organic soils in the Township's Official Plan. However the retained parcel is large enough that a building envelope is available outside of the organic soils and the parcel has already been developed with a farm (residence and outbuildings).

### Natural Heritage

#### Significant Woodlands

#### Severed Parcels B15/050 through B15/052

There have been no Significant Woodlands identified on these parcels.

#### Retained Parcel

Portions of the retained parcel have been identified as being Significant Woodlands in the Township's Official Plan. Majority of the areas identified as Significant Woodlands are located near the rear (south) portion of the property. Given the large size of the retained parcel, there is a sufficient building envelope available on the property well outside of any of the areas identified as Significant Woodlands. In addition the retained parcel is already developed with a farm (residence and outbuildings). Therefore there is no anticipated impact on the woodlands as a result of these applications.

### Watercourses

Severed Parcels B15/050 through B15/052

There have been no watercourses identified on these parcels.

### Retained Parcel

A watercourse has been identified on the retained parcel. The watercourse traverses through and connects several unevaluated wetlands, majority of which are located at the rear of the property. The retained parcel is already developed with a farm (residence and outbuildings). Therefore there is no anticipated impact on the watercourses as a result of these applications.

### Conservation Authority Regulation

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

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

### CONCLUSION

In conclusion, the Conservation Authority has no objection to these revised applications.

### **Septic Office** – Leeds Grenville and Lanark District Health Unit

B15/ 050 – 2.64 ha vacant parcel of land consisting of mixed vegetation / bushland. Shallow soil depth and gentle slope. Recommendation – Fill will be required to construct the onsite septic system (tile bed). Amount of fill required will depend on exact location of septic system.

B15/051 - Approximately a 1.71 ha vacant parcel of land consisting of bushland. Shallow soil depth and gentle slope. Recommendation – fill required to construct onsite septic system (tile bed). Amount of fill required depends on exact location of septic system.

B15/052 – Approximately a 2.04 ha vacant parcel of land consisting of bushland. Some areas may be subject to seasonal wetness. Recommendation – fill required to construct on-site septic system (tile bed). Amount of fill required depends on exact location of septic system.

Retained lands – Approximately 117.6-ha parcel of land with existing house, shed, drilled well and septic system. Mixed vegetation, bushland and some areas subject to high water table (marsh areas) – Recommendation – the severance will not impact future replacement of septic system. Fill will be required to construct replacement septic system in the future.

**Hydro One Networks** – Hydro One has no objections to the severances.

### **Bell Canada R-O-W**

Upon review of the proposed severance applications, Bell Canada confirms that we have existing installations over the subject lands notice above, which are

protected by existing easements registered as Instrument #46039 and Instrument #46042.

Therefore Bell Canada confirms that our existing easement rights must be maintained and that we will not require any additional easement protection.

**(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 original application submitted was revised as a result of the pre-consultation review by the Conservation Authority. This original submission placed B15/051 and B15/052 further west along Nolan's Road. The CA identified organic soils on these lots and requested the applicant to either prepare a geotechnical report or move the lots easterly away from the organic soils. The revised applications place all three lots in the north east corner of the Lot 15.

The applicant proposes to sever three (3) residential building lots – 2.64-ha, 1.71-ha and 2.08-ha and retain a 117.6-ha landholding with an existing dwelling.

The subject lands are located in an area characterized by large landholdings intermixed with smaller type residential lots along Nolan's Road.

The lands to be severed are accessed via Nolan's Road, a municipally maintained road and the lands to be retained are accessed via Roger Stevens Road, a county maintained road.

Soils Inventory – Name: Farmington  
- Stoniness: slightly stony  
- CLI: 6 – natural grazing only  
- Drainage: well drained  
- Hydrogeology: poor

Bedrock Inventory – Dolostone, sandstone

**Endangered Species**

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:

Gray Ratsnake (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. Montague Official Plan Polices for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
- 3 Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Montague.

#### Zoning

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

#### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. 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 Montague and could be given favourable consideration.

#### **(e) MINUTES – September 14, 2015**

Christina Dizzell, owner attended the hearing and gave evidence under oath.

Ms. Dizzell, advised that they had discussed the organic soils with the RVCA, and that it was their understanding that by moving the proposed lot line, that there would be no issue with this type of soil.

Committee reviewed the staff report and draft conditions, and instructed the secretary-treasurer to confirm with RVCA if a condition would be required for B15/052 regarding 'organic soils' and if not required then to move the condition to a 'note'.

*Addendum: The secretary-treasurer contacted RVCA, who confirmed, "Our intention was only to provide this for information for the applicant therefore I have no problem with it being just a note to the 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.

**B15/050 and B15/051**

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 deed of land required by condition #1 above shall recognize any easements that currently exist (Bell Canada Instrument #46039 and #46042).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall confirm that a residential entrance to the subject lot and the retained lot is viable. The applicant shall consult directly with the Township of Montague in this regard.

9. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from the Township of Montague stating that condition #4 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Rideau Valley Conservation Authority advises that watercourses are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained and severed parcels in the following manner:*
  - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
2. *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 fill / imported fill may be required in the septic system area on the severed lot and in the area of the future replacement septic system on the retain lot.*
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 and Forestry 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.*

**B15/052**

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 deed of land required by condition #1 above shall recognize any easements that currently exist (Bell Canada Instrument #46039 and #46042).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall confirm that a residential entrance to the subject lot and the retained lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from the Township of Montague stating that condition #5 through #10 has been fulfilled to their satisfaction.

**NOTES**

1. *The Rideau Valley Conservation Authority advises that watercourses are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained and severed parcels in the following manner:*
  - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*

2. *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 RVCA advise that the lands are located adjacent to an area identified as containing organic soils. This is considered a natural hazard to development and prior to development of this lot; the property owner is advised that the suitability of the soil should be professionally evaluated.*
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 lot and in the area of the future replacement septic system on the retain lot.*
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*  
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*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 and Forestry 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:** Gordon Scott Matthews

**Hearing Date:** Sept 14, 2015

**Agent:** N/A

**LDC File #:** B15/57

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

**Lot:** 19

**Conc.:** 2

**Roll No.:** 0924 000 015 01800

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 0.95-ha residential lot with an existing dwelling at 1228 Bourne Road and retain a 38.5-ha landholding.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Residential	Vacant
<b>Proposed Use</b>	Residential	Vacant
<b>Area</b>	0.95-ha	38.5-ha
<b>Frontage</b>	70 m	109 m
<b>Depth</b>	133 m	1235 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Private Well	n/a
<b>Sewage Disposal</b>	Septic System	n/a
<b>Zoning By-law Category</b>	Rural	Rural & Flood Plain
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural

**Conformity:** 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.

**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 4 General Development Policies, section 6.5 Rural Areas, Section 7.3 Local Roads, section 9.6 Subdivision of Land.

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

**Zoning By-law** – Section 3 General Provisions, section 11 Rural Zone, Section 12 Flood Plain.

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

#### **(b) AGENCY REVIEW**

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

**Township Planner's Report -  
DESCRIPTION OF PROPOSAL**

The applicant has submitted a severance application to sever the existing dwelling from the surrounding vacant lands. The severed lands would amount to approximately 2.5 acres with approximately 70m of frontage on Bourne Road. The retained lands would amount to approximately 95.5 acres after the severance with approximately 170m of frontage on Bourne Road. The application originally proposed sever approximately 4.5 acres with 130m frontage, however RVCA caused concerns about the future development potential of the retained lands. The application has been revised to reduce concerns about future development potential of the lands.

**DESCRIPTION OF SUBJECT LANDS**

The subject lands consist of largely naturally vegetated brush land with an existing dwelling and out buildings. The property has been severed once before, making the proposed consent the second severance from the property. Aerial photography indicates that the portions of the property are wet and are subject to flood plain policies, but the property is not considered as PSW.

**OFFICIAL PLAN**

The subject lands are designated as Rural in the Township's OP. Within this designation, residential uses are permitted. Section 4.5 regards land division and permits up to three severances per original Township lot. The subject property has previously been severed once and thus qualifies for two additional severances. The minimum lot size for rural severances is 2.0 acres, whereas the severance would create an approximately 2.5 acre lot in order to match the depth of the existing severance.

The property appears to largely be naturally vegetated and portions appear to be wet from a watercourse running through the property, but mapping does not indicate that there are any significant natural features. The lands to be severed are no in proximity to the watercourse and would not need to meet any setbacks from the watercourses.

**ZONING BY-LAW**

The subject property is zoned as Rural and Flood Plain. Within the Rural zone, minimum lot size is 4,000m<sup>2</sup> with 45m of frontage. The proposed severance would be approximately 9,500m<sup>2</sup> with 70m frontage on Bourne Road.

The proposed severance appears to just touch the Flood Plain zoning on the property. As the proposed severance already contains a dwelling that is located well away from the Flood Plain zone, Staff is not concerned that development on the property will be negatively impacted by the wet area.

**OPTIONS / ANALYSIS**

RVCA reviewed the severance application and noted the presence of organic soils on the eastern portion of the property which presented issues with development potential of the retained lands. The applicant has revised the proposed severance from approximately 4.5 acres down to approximately 2.5 acres, which means there will be a suitable building envelope on the western portion of the property away from the organic soils. RVCA is satisfied with this approach.

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

Conditions:

1. That 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;
2. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;
3. That the applicant shall confirm with the Township's Public Works Superintendent that an entrance is feasible for the proposed retained lands.

Advisory Notes:

1. 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.

**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 revised proposal is to sever a 0.95-hectare parcel from the existing 39.7-hectare parcel.

**PROPERTY CHARACTERISTICS**

**Severed Parcel**

The severed parcel is primarily treed with the exception of a clearing to accommodate the existing residence and three out buildings.

**Retained Parcel**

The retained parcel is primarily vegetated with the exception of a waterbody which is near the front of the property behind the severed parcel. The waterbody is connected to several watercourses which appear to form a large un-evaluated wetland. The waterbody has been identified as floodplain in the Township's Official Plan. The parcel is vacant.

**REVIEW**

**Natural Hazards - Organic Soils**

**Severed Parcel**

There have been no organic soils identified on the severed parcel.  
B15/057 8/25/2015

**Retained Parcel**

The southeast corner of the retained parcel has been identified as Muck on the RVCA's mapping (based on OMAFRA soil survey complex). Muck is considered to be an organic soil. A site visit was conducted with the applicant which confirmed the presence of organic soils on the southeast corner of the property.

Section 3.1 Natural Hazards in the Provincial Policy Statement 2014 focuses on directing development away from natural hazards such as organic soils. In

addition, the Township's Official Plan encourages development to be located outside of organic soils. While organic soils have been identified on the retained parcel, there is an area directly adjacent to the severed parcel on the southwest corner of the property that has not been identified as organic soils and is at a much higher elevation than the southeast portion of the parcel. Therefore there is a sufficient building envelope entirely outside of the organic soils on the retained parcel providing the development is limited to the southwest corner.

#### Natural Hazards - Floodplain

##### Severed Parcel

There has been no floodplain identified on the severed parcel

##### Retained Parcel

A portion of the retained parcel has been identified as being floodplain. This area identified as floodplain appears to coincide with the large waterbody boundary. During the site visit, RVCA noted a significant grade change from the waterbody boundary to the southwest corner of the property. Therefore it is anticipated that the southwest corner of the property would not likely be subject to flooding.

#### Natural Heritage - Watercourses

##### Severed Parcel

There have been no watercourses identified on the severed parcel.

##### Retained Parcel

A large waterbody and multiple watercourses have been identified on the retained parcel. There is a sufficient building envelope located on the southwest corner of the parcel well away from the waterbody or watercourses.

#### Natural - Unevaluated Wetlands

##### Severed Parcel

There have been no unevaluated wetlands identified on the severed parcel.

##### Retained Parcel

A large unevaluated wetland has been identified on the retained parcel located near the rear of the property. There is a sufficient building envelope well away from the unevaluated wetland on the southwest corner of the property. Therefore there is no anticipated impact on the wetland as a result of this severance application.

#### Conservation Authority Regulations

The waterbody and watercourses identified on the retained parcel are subject to Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the property in the following manner:

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

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to this consent application.

Please forward notice of the decision on this application to the office of the Rideau Valley Conservation Authority.

**Septic Office** – Leeds Grenville and Lanark District Health Unit

Severed lot – the parcel of land has an existing raised septic system and drilled well servicing the house. There are various outbuilding sheds on property.

Recommendation – Additional sandy loam will be required in the area of the future replacement tile bed.

Retained lands – a 38 ha parcel of land. Land is dense bush with indicators of seasonal high water table. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

**Hydro One Networks** – No comments were received.

**Bell Canada R-O-W**

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

We have no concerns or objections to the proposed severance.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The original submission by the applicant indicated that the lands to be severed were 134m x 133m or 1.8-ha and contained a residential dwelling and three outbuildings at 1228 Bourne Road. The Conservation Authority indicated in their pre-consultation review of the lands, that the southwest corner of the lot contained organic soils and wetlands. In response, the applicant reduced the size of the lot to 70m x 132 m or 0.95-ha, leaving the organic soils and wetland area with the vacant retained lands.

One previous severance was taken from the original land parcel under application Number B1994/082.

The subject lands are located in an area characterized by large landholdings, intermixed with typical residential size lots along Bourne Road.

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

Soils Inventory – Name: Farmington

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

Bedrock Inventory – Dolostone, sandstone

**Endangered Species**

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 did



not indicate that there is was 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. 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 severed lot area has not been mapped as 'woodlands', however the retained lands have large pockets that have been mapped as woodlands, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Beckwith.

#### Zoning

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

#### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. 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 Beckwith and could be given favourable consideration.

**(e) MINUTES – September 14, 2015**

Gordon Matthews, owner attended the hearing and gave evidence under oath. Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated July 16, 2015.
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 conform with the Township of Beckwith Public Works Superintendent that an entrance is feasible for the proposed retained lands.
7. A letter shall be received from the Township of Beckwith stating that condition #4 through #6 has been fulfilled to their satisfaction.

**NOTES**

1. *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.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the area of any future replacement tile bed and in the area of the future tile bed on the retained lands.*
3. *The Rideau Valley Conservation Authority advises that a large unevaluated wetland has been identified on the retained parcel located near the rear of the property. There is a sufficient building envelope well away from the unevaluated wetland on the southwest corner of the property.*
4. *The RVCA also advise that the waterbody and watercourses identified on the retained parcel are subject to Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the property in the following manner:*
  - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority (including watercourse crossings).*
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 and Forestry 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:** Dale & Patricia Bjorgan

**Hearing Date:** Sept 14, 2015

**Agent:** Dale & Patricia Bjorgan

**LDC File #:** B15/068, 069 & 070

**Municipality:** Township of Montague

**Geographic Township:** Montague

**Lot:** 26

**Conc.:** 9

**Roll No.:** 0901 000 025 27000

**Consent Type:** New Lot

**Purpose and Effect:**

To sever three (3) residential building lots – 2 at 0.647-ha and one at 2.4-ha) and retain a 44.5-ha landholding with an existing dwelling and outbuildings located at 211 McGuire Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed B15/068</b>	<b>Lands Retained B15/069</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	0.647-ha	0.647-ha
<b>Frontage</b>	62 m	62 m
<b>Depth</b>	105 m	105 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Proposed	Proposed
<b>Sewage Disposal</b>	Proposed	Proposed
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	46 m	46 m
<b>-Compliance?</b>	Yes	Yes
<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed B15/070</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	2.4-ha	44.5-ha
<b>Frontage</b>	120 m	132 m
<b>Depth</b>	200 m	1738 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Proposed	Private Well
<b>Sewage Disposal</b>	Proposed	Septic System

DETAILS OF PROPOSAL	Lands to be Severed B15/068	Lands Retained B15/069
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	46 m	46 m
-Compliance?	Yes	Yes

**Official Plan Designation:** Rural, Woodlands, Organic Soils

**Conformity:** B15/068 and B15/069 – Yes: B15/070 – requires additional study/evaluation.

**(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.

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

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

**Local Official Plan** – Section 2 General Development Policies, section 2.19.2 Organic Soils, Section 2.21 Natural Heritage Features, Section 3.5 Natural Hazards, section 4.4 Township Roads, Section 5.2 Land Division.

The Township of Montague advises that the proposal (B15/068 and B15/069) conforms to the designations and policies of the Official Plan. B15/070, requires further study / evaluation.

**Zoning By-law** – Section 3 General Provisions, section 18 Rural Zone.

The Township of Montague advises that B15/068 and B15/069 comply with the Zoning By-law regulations. B15/070 will require rezoning to permit only conservation uses.

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

**Application**

Thank you for circulating the Township of Montague on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law, As indicated on the application, the property owners seek permission to sever three lots from their 120-acre landholding on the western side of the Township. Two smaller residential lots (1,6 acres each) are proposed to be severed from the north end of the property, fronting on McGuire Road with a third roughly 6-acre lot to be severed from the south end of the property, fronting on Brown Road. Both of these roads are municipally owned and maintained. The McGuire Road severed lands are wooded (although not mapped as "significant") and the Brown Road severance is also entirely forested and relatively low in elevation, The retained lands include a house and barn at the north end with fields and the southern two thirds of the lot is woodland interspersed with wetland features, The Township has no record of previous severances from the Bjorgan landholding and as such this application could be considered under the Township's lot creation policies.

**Review**

McGuire Road severances (B15/068 and B15/069)

The two proposed lots, as well as the majority of the retained property, are within the Rural designation as outlined in the Township's Official Plan. Section 36.1 of

the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development. This section of McGuire Road passes through a landscape of farms, non-farm rural residences, woodland and nearby wetlands. While the severed lands are partially treed, these woods are not considered "significant" as per the Official Plan and there are no other natural hazard or heritage constraints mapped on the severed lands. While significant woodlands are mapped to the north of the severed lots, due to the intervening road and residential development on the other side staff anticipate that any Impacts on those woodlands would not be significant for the purposes of the Natural Heritage policies. Staff also consider the built form of the streetscape when considering new development and while there are several residences within close proximity to the proposed lots, in this case the natural tree cover on the severed lots and nearby would mean that the proposal would not visually constitute strip development. These two applications also satisfy the access policies of the Official Plan (Sec 216) and it is felt that two new residential lots will not have a consequential impact on municipal services or infrastructure.

#### Brown Road severance (B15/070)

This review considers this proposed lot separately from the two McGuire lots due to the distance separation between them as well as a very different planning context. The B15/070 lot, while much larger, is also located in a largely intact woodland and wetland ecosystem on both sides of the road. There is much less development on Brown Road and the few dwellings within a kilometre of the lot tend to be built into the woods with minimal clearing.

While this lot is also located within the Rural designation, significant woodlands and organic soils have been identified as planning constraints affecting the entire lot. The woodlands have been identified as significant due to their size, extensive interior habitat and also linkage with nearby wetland area, which while not evaluated pursuant to the Official Plan are nonetheless noted Organic soils are often associated with wetland areas and are considered a natural hazard to development. The Township's Official Plan (Sec. 2.19.2) encourages development to be located outside of a natural hazard area. For development that is proposed within such an area, as well as in a significant woodland the proposal needs to be evaluated by a qualified professional prior to approval in order to determine whether it can be made safe and whether there will be negative impacts on significant natural features.

Staff visited the site on September 2nd and while the area as a whole was low, staff did observe a somewhat higher area than the proposed lot where there was no immediate evidence of aquatic conditions and where development may be feasible provided the appropriate reviews are undertaken, As such, given that a consent application is normally considered to be for the purposes of enabling structural development, a geotechnical study and environmental impact study would need to be submitted prior to further consideration of the proposal. If development is considered feasible, conditions will likely be proposed to address site concerns and the Township, approval authority and property owners should understand these conditions prior to a decision being made on the application.

Further to discussions on these requirements with the applicants, the Bjorgans

have since advised the Township that they would like to proceed with the application as submitted however advised that they do not plan to develop the severed land and will leave it in its natural state. It is understood that the only way this could proceed, without the necessity of the studies at this time, is to rezone the severed lands to permit only conservation uses on the property. While this option can be considered, staff respectfully suggest that the applicants undertake the studies first such that the opportunities and constraints of the lot are known for their own interest and in the future, in the event that the lot is ever sold.

Additionally, pursuant to the Land Division policies of the Official Plan, the Land Division Committee should consider whether the lot size is suitable for a proposed conservation use.

This application may therefore be deferred pending further review and consideration of the proposal.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The Applicant shall confirm that residential entrances to the severed and retained lands are viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 4) The Applicant shall obtain Civic Address Numbers from the Township of Montague for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
- 5) Sufficient land for Road Widening purposes shall be conveyed, if required, to the Township of Montague by registered deed on the severed and retained parcels to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.
- 6) The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

With respect to B15/070, staff suggest as a best practice that the usability and conditions of the property be assessed prior to any consent approval and as such recommend that the applicant and Committee agree to defer a decision pending completion of the required studies. Staff will not object to the approval of this application however, provided the following site specific conditions are implemented:

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The Applicant shall confirm that residential entrances to the severed and retained lands are viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 3) Sufficient land for Road Widening purposes shall be conveyed, if required, to the Township of Montague by registered deed on the severed and retained parcels to



meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

4) The applicant shall rezone the severed lands to a zone that prohibits structural development and enter into a Development Agreement with the municipality to further clarify existing and future land uses and to address the concerns of RVCA expressed in their letter dated August 19, 2015.

5) The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

**Conservation Authority** – Rideau Valley Conservation Authority

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

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

**PROPOSAL**

The proposal is to sever two 1.6 acre lots and one 5.93 acre lot from the existing lot, which would ultimately result in a total of 4 lots.

**PROPERTY CHARACTERISTICS**

Severed Parcel B15/068 - The severed parcel is treed. The entire lot has been identified as an unevaluated wetland. The lot is currently vacant.

Severed Parcel B15/069 - The severed parcel is treed. The entire lot has been identified as an unevaluated wetland. The lot is currently vacant.

Severed Parcel B15/070 - The entire lot is treed. The entire lot has been identified as Significant Woodlands in the Township's Official Plan. The entire lot has also been identified as an unevaluated wetland. The lot is currently vacant.

Retained Parcel - The retained parcel consists of mainly fields on the northern portion of the parcel with the southern portion being predominantly unevaluated wetlands with some treed woodlands. Almost the entire southern portion of the property has been identified as Significant Woodlands in the Township's Official Plan. A watercourse traverses through a portion of the unevaluated wetland. The retained parcel has already been developed with a brick home and two frame buildings.

**REVIEW**

**Natural Hazards**

**Organic soils**

Severed Parcel B15/068 - There have been no natural hazards identified on this severed parcel, which would preclude this application.

Severed Parcel B15/069 - There have been no natural hazards identified on this severed parcel, which would preclude this application.

Severed Parcel B15/070 - The entire severed parcel has been identified as Organic Soils on Schedule B of the Township's Official Plan. Conservation Authorities were delegated natural hazard responsibilities by/the Minister of Natural Resources. This includes flood plain management, hazardous slopes, Great Lakes shorelines, unstable soils and erosion, which are now encompassed by Section 3.1 "Natural Hazards" of the Provincial Policy Statement.

Under Section 3.1 Natural Hazards in the Provincial Policy Statement 2005, it states:

Development shall generally be directed to areas outside of

a) Hazardous sites

Hazardous sites is defined in the PPS as property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils or unstable bedrock (karst topography).

In addition, the Township's Official Plan encourages development to be located outside of organic soils and provides criteria, which must be met in any instance where development in an area subject to organic soils is considered. We note that no geotechnical report in accordance with the Provincial Guidelines or the Official Plan's requirements has been submitted in support of this application.

The original parcel from which this parcel is being severed is very large (110 acres) with majority of the northern portion of the property consisting of fields'. Given that there is ample room on the original parcel to accommodate new lots entirely outside of the areas identified as organic soils, the Conservation Authority cannot recommend that this proposed parcel is suitable as a building lot. The applicant should explore alternative options elsewhere on the property where organic soils are not present.

**Retained Parcel**

Majority of the southern portion of the retained parcel has been identified as being organic soils in the Township's Official Plan. Development on the retained parcel has already been established with a house and two frame buildings and is located outside of the areas identified as organic soils.

Natural Heritage

**Significant Woodlands**

Severed Parcels B15/068 and B15/069 - There have been no Significant Woodlands identified on these parcels.

Severed Parcel B15/070 - The entire severed parcel has been identified as being Significant Woodlands in the Township's Official Plan. We note that there has been no EIS submitted in accordance with the Township's Official Plans requirements to support this application.

As noted previously in this letter, the original parcel from which this parcel is being severed is very large. In addition, there is ample room on the northern portion of the original parcel to locate a new parcel entirely outside of the Significant Woodlands. Therefore the Conservation Authority cannot recommend that this parcel be created when there are alternative solutions to locate a severed parcel entirely outside of the Significant Woodlands.

**Retained Parcel**

Majority of the retained parcel has been identified as Significant Woodlands in the Township's Official Plan. Development has already been established on the retained parcel outside of the Significant Woodlands.

Unevaluated Wetlands

Severed Parcels B15/068 and B15/069 - The entire severed parcels have been

identified as unevaluated wetlands on the RVCA's mapping (see attached). A site visit was conducted, and the severed parcels appeared to be relatively dry with no noticeable standing water.

#### Severed Parcel B15/070

The entire severed parcel was identified as being unevaluated wetland on the RVCA's mapping. The site was observed with lots of standing water and noticeable aquatic and amphibian presence (fish and frogs). In addition a watercourse runs near the eastern property line (less than 30 metres away). Based on the very wet conditions and the presence of the watercourse close by, it is likely that this parcel is subject to flooding. Given that there are alternatives available on the original parcel to accommodate severed lots, the Conservation Authority cannot recommend that this application move forward.

#### Retained Parcel

Majority of the retained parcel has been identified as un evaluated wetland on RVCA's mapping. Development has already been established on this parcel outside of the unevaluated wetlands.

#### Watercourses

Severed Parcels B15/068 through B15/070 - There have been no watercourses identified on these parcels.

Retained Parcel - A watercourse has been identified on the retained parcel. The watercourse traverses through the unevaluated wetland. Development on this parcel is well away from the watercourse.

#### Conservation Authority Regulation

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

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

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to applications B15/068 and B15/069 but **cannot recommend** that application B 15/070 be approved. The Conservation Authority recommends that the applicant look at alternative locations on the original parcel to relocate the third parcel.

Please keep us informed on the status of these applications.

#### **Septic Office** – Leeds Grenville and Lanark District Health Unit

B15/068 – Approximately a 0.647 hectare vacant parcel of land consisting of bushland, gentle slope and variable soil depth. Recommendation – fill will be required to construct septic system (tile bed). Amount of Fill needed will depend on exact location of tile bed.

B15/069 – Approximately a 0.647 hectare vacant parcel of land consisting of bushland. Drainage flows towards the ditch that runs along the side of the

property. Recommendation – fill will be required to construct septic system (tile Bed). Amount of fill needed will depend on exact location of tile bed.

B15/070 – Approximately a 2.4 hectare vacant parcel of land consisting of bushland and ferns. Property is relatively flat. Some area subject to high water table. Recommendation – fill will be required to construct a septic system (tile bed) Amount of fill needed will depend on exact location of system.

Retained Lot – Approximately 44.5 hectares with existing house, sheds, drilled well, and septic system. Land consists of agriculture land, bushland and some marshland. Recommendation – the severances will not impact future replacement of septic system. At time of inspection there were no obvious signs of malfunction. Some fill may be required to construct replacement septic system in the future.

**Hydro One Networks** – No comments were received.

**Bell Canada R-O-W**

Subsequent to our review by our local engineering department of the 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 severances.

**(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:

**John Wilkinson – August 25, 2015**

I object to the possible severance of the two properties located on McGuire Rd.

When I purchased my property located at 267 McGuire I was under the impression that no other Severances were available on lands on either side of me. My land was purchased with the understanding that I would not have any other neighbours within approximately 500 feet.

I use the property as a hunt camp and would not appreciate having neighbours that close to me.

Submitted for your consideration - If this does go through, I would appreciate being notified of the decision of the Land Division Committee in respect of the public meeting and also the final decision of the proposed consent.

*NOTE: Mr. Wilkinson was advised that the Township has revised their Official Plan, which included revising the 'lot creation date' to Jan 1, 2001.*

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever three residential building lots. Two lots along McGuire Road - 0.0.647-ha each and one lot along Brown Road - 2.47-ha and retain a 44.5-ha landholding. On September 2, 2015, Mr. Bjorgan advised the Land advises that he intends on applying for a zoning change to B15/070 to disallow a building.

The lands are located in an area characterized by large landholdings, intermixed with smaller type residential lots. The CPR Rail Line is located to the west. Much of the southern portion (along Brown Road) is low lying and well treed.

B15/068 and B15/069 - The lands are accessed via McGuire Road, a municipally maintained road.

B15/070 and Retained Lands – Are accessed via Brown Road, a municipally maintained road.

Soils Inventory - North portion	Southern portion
- Name: North Gower	Muck
- Stoniness: moderately stony	not rated
- CLI: 2 – moderate limitations	not rated
- Drainage: poor	very poor
- Hydrogeology: High run-off	High run-off

Bedrock Inventory – Dolostone, sandstone

#### Endangered Species

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:

Gray Ratsnake	(THR)
Eastern Meadowlark	(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. Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
- 3 Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of

Montague.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. For any new development on B15/068 and B15/069, it will be required to meet the minimum setback requirements of the Zoning By-law. B15/070 requires further studies / evaluation to determine if development can occur, therefore if approved the lands should be rezoned to allow only open space with no development (structures, including septic systems) to occur.

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(B15/068 and B15/069) meet the minimum requirements of Township's Official Plan, which is appropriate in the rural setting. Applications B15/068 and B15/069 can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies for applications B15/068 and B15/069, which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposals for B15/068 and B15/069 maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Montague and could be given favourable consideration. This office is not satisfied that application B15/070 could be given favourable consideration and recommends 'deferral'.

**(e) MINUTES – September 14, 2015**

Dale and Patricia Bjorgan, owners, John Wilkinson, adjacent landowner and Tracy Zander, agent for the owners attended the hearing and gave evidence by affirmation.

Ms. Zander provided background information on the application advising that the farm has been sold, conditionally upon the severances being granted. Also noting that the RVCA has raised concerns with the suitability of the lands being severed as B15/070 and requesting on behalf of her clients to defer the decision on B15/070 to allow time to conduct an EIS and possible geotechnical evaluation to determine the availability of a building envelope.

Mr. Wilkinson expressed concerns that if a residential dwelling were to be built on either B15/068 or B15/069, that this would hinder his current use of his property,

which is for hunting purposes. And that the Township may be contemplating a new by-law to prevent discharging of firearms within 500 m of a residence.

The chair explained that the committee views existing legislation and regulations or by-law, and that the possible future change in a by-law for the Township would be only considered if and when it was implemented.

Moved by D Murphy

Seconded by W Guthrie

“**THAT**, Consent Application B15/070 be deferred to a later date to allow the applicant time to prepare and submit an Environmental Impact Statement and/or Geotechnical Report to determine if and/or where a suitable building envelope could be located on the lands.” **CARRIED**

Committee reviewed the staff report and draft conditions for B15/068 and B15/069.

**(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 B15/068 and B15/069**

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 Montague.
4. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening

requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

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

#### **NOTES**

1. *The Rideau Valley Conservation Authority advises that watercourses are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained and severed parcels in the following manner:*
  - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
2. *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 fill / imported fill may be required in the septic system area.*
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 and Forestry 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:** Bradley & Holly Ebbs

**Hearing Date:** Sept 14, 2015

**Agent:** Brad Ebbs

**LDC File #:** B15/071

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

**Lot:** 11

**Conc.:** 3

**Roll No.:** 0924 000 010 18002

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 0.6-ha residential building lot and retain a 4.2-ha residential lot with an existing dwelling located at 129 Irish St. The lands to be severed are accessed via Powell St.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	0.6-ha	4.2-ha
<b>Frontage</b>	58 m	89 m
<b>Depth</b>	105 m	240 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed	Private well
<b>Sewage Disposal</b>	proposed	Septic system
<b>Zoning By-law Category</b>	Residential	Residential
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Community Development Area

**Conformity:** 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.

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.

## **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.

**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.

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 5.1 Residential.

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

### **(b) AGENCY REVIEW**

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

**Township Planner's Report -**

**DESCRIPTION OF APPLICATION**

Severance application to create an approximately 1.5 acre infill severance on Powell Street.

**DESCRIPTION OF SUBJECT LANDS**

The lands are located within the Community Development Area of Franktown. The subject lands are irregularly shaped with frontage on Irish and Powell Streets with frontage on unopened portions of Maitland and Barrach Streets. The lands are currently developed with a dwelling fronting onto Irish Street, while the remainder of the lands are naturally vegetated.

**PROVINCIAL POLICY STATEMENT**

Section 1.1 .3 regards settlement areas within municipalities. These policies generally promote intensification, redevelopment and infill development to create efficient land uses within the core areas of communities.

Section 1.6.6 regards servicing. The proposed development would be serviced by private well and septic system. The local Health Unit is circulated on severance applications and will complete an inspection of the site to determine if the proposed lot contains an envelope suitable for a septic system. With respect to water, the Township has no information with respect to areas with low quantities of ground water.

**OFFICIAL PLAN**

Infill severances are governed by section 4.5 5) of the Official Plan, which requires:

- (a) a residential infill lot shall have a minimum area of 0.6 hectares (1.5 acres);
- (b) the proposed infill lot shall have minimum frontage on a public road, as per the Zoning By-Law;
- (c) the proposed infill lot shall occupy the road frontage between two existing residential lots that are located on the same side of a public road. The distance between the two existing residential lots can vary, however the width of the proposed infill lot should be consistent with the surrounding parcel fabric but shall not be more than twice the minimum frontage required by the Zoning Bylaw;
- (d) the proposed infill lot shall not prohibit or adversely affect future development potential of the retained lands; and
- (e) the retained parcel shall have a minimum area and frontage on a public road, as per the Zoning By-Law;

The proposed severance would provide approximately 58m of frontage on Powell Street and would be located between two existing dwellings. The retained lands would amount to approximately 10.4 acres and would retain frontage along Irish Street.

**ZONING BY-LAW**

The lands are located within the Rural zone, which requires lots to be a minimum of 1 acre with 45m of frontage. The proposed severance would conform to these requirements. The proposed lot would be created for residential purposes, which is compatible with the current zoning.

**OPTIONS / ANALYSIS**

Staff does not foresee any issues with the proposed severance.

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

1. That 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;
2. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;
3. That the applicant shall confirm with the Township's Public Works Superintendent that an entrance is feasible for the proposed severance;

Advisory Notes:

1. 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.

**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 a 0.6 hectare parcel from the existing 4.8 hectare parcel.

#### PROPERTY CHARACTERISTICS

##### Severed Parcel

The severed parcel is primarily treed and \vi thin the boundaries of Franktown. The lot is vacant.

##### Retained Parcel

The retained parcel is primarily treed with an existing residence off of Irish Street within the boundaries of Franktown.

#### REVIEW

##### Natural Hazards

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

##### Natural Heritage

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

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to this consent application.

Please forward notice of the 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 lot – A 0.6-ha parcel of vacant land that is relatively flat. The land is

mainly scrub brush over very shallow soils. Recommendation – Additional sandy loam fill will be required for the construction of a leaching bed.

Retained lands – A 4.2 ha parcel of land that has an existing house served by both a raised leaching bed and drilled well. Land has very shallow soil depths. Recommendation – additional sandy loam fill will be required in the area of the future replacement leaching bed.

**Hydro One Networks** – No comments were received.

**Bell Canada R-O-W**

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

We have no concerns or objection to the proposed severance.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 0.6-ha residential building lot and retain a 4.2-ha residential lot with an existing dwelling located at 129 Irish Street.

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

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

Bedrock Inventory – Dolostone, sandstone

**Endangered Species**

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 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 Beckwith.

#### 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 – September 14, 2015**

No persons attended.

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.

**B15/071**

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. The applicant shall confirm with the Township of Beckwith Public Works Superintendent that an entrance is feasible for the proposed severance.
6. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.

**NOTES**

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



*indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*The Ministry of Natural Resources and Forestry 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:** James Foster

**Hearing Date:** Sept 14, 2015

**Agent:** James Foster

**LDC File #:** B15/073

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

**Lot:** 23

**Conc.:** 10

**Roll No.:** 0924 000 030 12500

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 5.0-ha agricultural landholding and retain a 70.0-ha agricultural landholding. The lands are accessed via McCuan Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Agriculture Sugar Bush, Camp & Residence	Agriculture Agriculture
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	5.0-ha 145.39 m 265.17 m (average) Municipal	70.0-ha 80 m 1300 m Municipal
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed Proposed	None none
<b>Zoning By-law Category</b> <b>-Area (minimum)</b> <b>-Compliance?</b> <b>-Frontage (minimum)</b> <b>-Compliance?</b>	Agriculture 39.0-ha No 60 m Yes	Agriculture 39.0-ha No 60 m Yes

**Official Plan Designation:** Agriculture and Rural

**Conformity:** 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, prime 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.

### **2.3 Agriculture**

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

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operations as a result of farm consolidation (subject to conditions); and
- c) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 6.1 Agricultural Resources, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 4 General Development Policies, Section 6.1 Agriculture, Section 6.5 Rural, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

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

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

The Township of Beckwith advises that the proposal does not comply with the zoning by-law regulations. A 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:

**Township Planner's Report -**

**DESCRIPTION OF PROPOSAL**

The applicant proposes to create a 12 acre severance on lands designated for agricultural purposes. The applicant proposes that the lands will be used for agricultural purposes as their intention is to produce maple syrup from the surrounding trees. The applicant will also construct a dwelling on the lands.

**DESCRIPTION OF SUBJECT LANDS**

The proposed severance consists of a portion of a maple bush off McCuan Road. The retained lands would keep a gravel access road, the maple bush east of the access road and the cultivated fields that form the balance of the agricultural lands. A severance was taken from the subject lands in the past to sever the former dwelling and barns from the agricultural lands.

**PROVINCIAL POLICY STATEMENT**

Section 2.3 regards agricultural lands and states that prime agricultural lands shall be retained for long-term use. Section 2.3.4.1 provides guidance on severance in agricultural areas and allows severances for agricultural uses, provided that: "the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;"

**OFFICIAL PLAN**

Section 6.1.5 of the Official Plan provides direction on severances in the agricultural designation. This section allows agricultural severances but states that both the severed and the retained are "generally at least 96 acres in size and appropriate for the agricultural activity in the area and agricultural practices in the long run. In determining the appropriateness, consideration will be given to the capability, flexibility, suitability and viability of both the severed and the retained farm parcels, and the Ministry of Agriculture and Food should be consulted in this regard". Further discussion is provided in the Options and Analysis portion below.

#### ZONING BY -LAW

The portion of the lands subject to the severance proposal are zoned Agricultural, where the minimum lot frontage is 60m with a minimum lot area of 96 acres. The proposed severance of 12 acres would provide approximately 150m frontage, but fails to satisfy the minimum lot size. The proposed severance would require a zoning by-law amendment to recognize the reduced area.

#### OPTIONS / ANALYSIS

Staff has concerns regarding the proposal's ability to conform to the Provincial Policy Statement and Section 6.1.5 of the Township's Official Plan. There is no debate that the production of maple syrup is an agricultural use, but there is a concern of scale of the operation and whether a commercial operation could be supported on the premises. If the proposed severance is not of sufficient size to produce at a commercial scale, then effectively the principle use of the property would be residential with an agricultural uses (production of maple syrup) being an accessory use or a hobby. Section 6.1.10 specifically prohibits the creation of non-farm residential lots in the agricultural designation.

Staff has concerns regarding the size of the proposed severance and the ability of that parcel to stay in agricultural uses for the long-term. If the maple syrup proposal fails, what other agricultural use would be suitable for a 12 acre parcel with a dwelling? The agricultural parcels in the Township are typically 100 acres and it is not uncommon for agricultural uses in the Township to use more than one of these 100 acre parcels for their operation.

This proposal was discussed with the Planning Committee in May, 2015. The Committee directed Staff to discuss, in general terms, the possibility of switching the portion of the subject lands that is designated Rural with the portion that is designated Agricultural. This would change the designation of the proposed severance from Agricultural to Rural and would allow the severance to proceed. OMAFRA indicated that agricultural designations are typically broad and frequently include areas of non-prime soils if these are considered to be pockets in a larger landscape of good quality soil. OMAFRA also indicated that when reviewing Official Plan designations they strongly recommend designating an entire property, rather than excluding small areas of rocky soil from the agricultural designation.

This being said, OMAFRA indicated that they would be unlikely to support switching a rural and agricultural designation because they would likely recommend one designation for the whole parcel.

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

1. That the applicant submits a zoning by-law amendment to create an agricultural severance with an area of 12 acres, whereas the typical requirement is 96 acres. The zoning amendment should also specify that a maple syrup business shall be established on the property prior to a dwelling being constructed to ensure the use of the land will be agricultural, rather than residential. The amendment shall be approved by the Township of Beckwith;
2. That the applicant confirm with the Township's Public Works Department that an entrance for the proposed severance is feasible;

3. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township; and
4. That the applicant also submit a Site Plan to the Township for approval. The site plan shall show how the lands will be developed into a sugar shack with a minimum size of 30' X 30' or (900 ft<sup>2</sup>) and shall include the intended future expansions.

**Advisory Notes:**

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

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

**PROPOSAL**

The proposal is to sever a 5.02 hectare parcel from the existing 75.02 hectare parcel

**PROPERTY CHARACTERISTICS**

**Severed Parcel**

The severed parcel is primarily treed. The lot is vacant.

**Retained Parcel**

The retained parcel is primarily agricultural fields with some small pockets of treed areas.

Two watercourses traverse the property.

**REVIEW**

**Natural Hazards**

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

**Natural Heritage - Watercourses**

**Severed Parcel**

There have been no watercourses identified on the severed parcel.

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**Retained Parcel**

The J Foster (West) Municipal Drain and a tributary have been identified on the retained parcel. No new development is proposed, therefore there is no anticipated impact on the watercourses as a result of this application.

**Conservation Authority Regulations**

The J Foster (West) Municipal Drain and its tributary are subject to Ontario Regulation 174106 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the property in the following manner:

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

## CONCLUSION

In conclusion, the Conservation Authority has no objection to this consent application.

Please forward notice of the decision on this application to the office of the Rideau Valley Conservation Authority.

### **Septic Office** – Leeds Grenville and Lanark District Health Unit

**Severed lot** – A vacant 5.0 hectare parcel of land. Land is primarily bush. Land slope and drainage can vary over the 12+ acres of property. Recommendation – Additional sandy loam fill will be required in area of the future leaching bed.

**Retained Lands** – A 70 +/- hectare parcel of agricultural land. Land Slope and drainage can vary throughout parcel. Recommendation – additional sandy loam fill will be required in the area of the future leaching bed.

### **Ministry of Transportation**

Thank you for providing us an opportunity to comment on the above application. The Ministry of Transportation does not have any concerns regarding the proposed severance. Since the property has frontage on what is currently a Ministry owned road, an access permit is required from us. However, knowing that it is the intention of the Ministry of Transportation to transfer McCuan Road to the municipality, we will defer to them on the location of the access.

Any construction within 45 metres of the Highway 7 / McCuan Road right of way on either the severed or retained lot requires a building permit from the Ministry of Transportation is required.

**Hydro One Networks** – No comments were received.

### **Bell Canada R-O-W**

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

We have no concerns or objection to the proposed severance.

## (c) **PUBLIC INPUT**

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

### **James E Foster – July 15, 2015**

I believe that this would be good use of this proposed to be severed land, as the buyer has tapped this sugar bush in the past for a number of years. It is a young maple bush with good trees, as it was thinned in the past under a government program. I am, personally, too old to keep the bush in the manner in which it should be kept. This would be a great place to live and have a sugaring operation.

I believe that this land should remain zoned agriculture as it would limit the building

and activity carried on there, this not having a negative impact on the adjacent agricultural enterprises around it.

For the above reasons, I believe that this severance and its proposed use would be a good fit for all concerned.

John D Campbell – August 15, 2015

John D. Campbell  
677 9th line  
RR 2 Carleton Place  
ont K7C 3P2

Mary Kirkham Planning Administrator August 5 2015  
Lanark County, 99 Charles Lake Rd  
perth ont K7H 3C6

in regard to file # B15/073, subject land  
E Pt Lot 23 WPT Lot 24 Cons 10 Beckwith Twp I would  
like to bring to your attention as the duty of a  
landowner to recognize this severance is involved in  
the watershed of a municipal drain.  
Using a fact sheet from OMAFRA dated 7/52  
publication date 02/88 under  
table of contents #5 Responsibilities, then ongoing responsibilities  
second paragraph the municipalities have responsibilities  
during severance progress. Please keep me informed by  
writing and if you would like more information please contact  
me.

Thank you John D Campbell

613-253-8006  
613-621-0409  
Fax 613-257-3123



Serge Pharand – August 21, 2015

This being my response to the Notice of Application for Consent as per Clause 53(5) of the Planning Act Section 3.0 Reg 547/06 as Amended.

My lands are directly adjacent to the proposed severance I have 2 points as my Response

1. If there is no PRESENT or FUTURE Restrictions and or infringements on my lands as a result of this severance, I have NO Objection.
2. If the newly severed lands are properly assessed for drainage into the Foster Municipal Drain as per the Ontario Drainage Act, I have NO Objection.

I am requesting a NOTICE of DECISION.

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*THE FOLLOWING IS A SKETCH – showing location of Municipal Drains. Existing drains are not affected by the proposed lot.*



**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 5.0-ha landholding for the purpose of constructing a sugar shack and residence and to retain a 70.0-ha agricultural landholding used for cropping.

The subject lands are located in an area characterized by large agricultural landholdings. Highway # 7 is located to the north.

The lands are accessed via McCuan Road, currently an MTO access road, which is intended to be conveyed to the municipality.

Soils Inventory – Name: combination of Grenville and Kars  
- Stoniness: non-stony  
- CLI: 3 – moderately severe limitation  
- Drainage: well drained  
- Hydrogeology: moderate

Bedrock Inventory – limestone, Dolostone, shale

**Endangered Species**

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 did not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

**Agricultural Lands**

The 2014 PPS has expanded the definition of 'agricultural uses' to mean the growing of crops, including nursery, biomass and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

This new / expanded definition allows for smaller land areas to be utilized for agricultural operations, which typically would have been 40+ hectares.

The OMAFRA is currently preparing a new "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas". These new guidelines may permit lot creation in designated prime agricultural areas for agricultural uses provided: new and remaining lots are of a size appropriate for the type of agricultural use(s); and the lots are large enough to maintain flexibility for future changes in the type or size of agricultural operations.

The proposed severance generally meets these objectives, however caution should prevail, and that by permitting smaller agricultural lot creation, the end does not just result in a 'new residential lot', within an agricultural area. Controls on future use, through re-zoning need to be specific to ensure that the long-term agricultural activity continues and does not have a negative effect on the surrounding agricultural activity.

### 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 southerly portion of the retained lands 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 Beckwith.

### Zoning

The subject property is currently within the agriculture section of the Zoning By-law, which permits a number of uses, including single-detached dwelling accessory to the main use. The proposed lot meets the minimum lot frontage but not the minimum size. Re-zoning 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 the Township of Beckwith and could be given favourable consideration.

**(e) MINUTES – September 14, 2015**

James Foster, owner and Shawn Powell, purchaser attended the hearing and gave evidence under oath.

Mr. Powell provided background information on his proposal, which is to construct a Maple Sugar Shack on these land a tap approximately 200 taps thereon. Also advising that he has additional lands in which he will be leasing the bush for this purpose.

Mr. Foster advised that he would like the agricultural designation left on this site as well as his retained lands, in order to protect the farmlands in the future.

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.

**B15/073**

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. The applicant shall obtain zoning amendment approval for the lot to be severed, to create an agricultural operation with an area of 5.0-hectares. The re-zoning shall also specify that a maple syrup operation/business be established prior to any dwelling being constructed and that the dwelling be clearly defined as 'accessory' to the main use. The applicant shall consult directly with the Township of Beckwith in this regard.
6. That the applicant enter into a Site Plan Agreement with the Township of Beckwith, detailing how the lands will be developed into a sugar shack with a minimum size of 30 ft x 30 ft or 900 sq.ft. and shall include any intended future expansions. Any proposed construction within 45 metres of Highway 7 / McCuan Road right-of-way requires a building permit from the MTO.
7. The applicant shall confirm with the Township of Beckwith Public Works Department that an entrance for the proposed severed lot is feasible.
8. A letter shall be received from the Township of Beckwith stating that condition #3 through #7 has been fulfilled to their satisfaction.

**NOTES**

1. *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.*
2. *The Ministry of Transportation advise that any construction within 45 metres of the Highway 7 / McCuan Road right of way on either the severed or retained lot requires a building permit from the Ministry of Transportation.*
3. *The Rideau Valley Conservation Authority advise that the J Foster (West) Municipal Drain and its tributary are subject to Ontario Regulation 174106 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the property in the following manner:*
  - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority (including watercourse crossings).*
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 Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future leaching bed.*
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 and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** William & Sharon Henry

**Hearing Date:** Sept 10, 2015

**Agent:** Scott McIntyre

**LDC File #:** B15/079

**Municipality:** Town of Mississippi Mills

**Geographic Township:** Ramsay

**Lot:** 6

**Conc.:** 5

**Roll No.:** 0931 929 010 01900

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 4.05-ha residential building lot and retain a 6.0-ha landholding with an existing dwelling, barn and outbuildings at 1233 Quarry Road.

This is a re-submission of application B13/0156 which was allowed to lapse.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Rural Residential
<b>Proposed Use</b>	Residential	Rural Residential
<b>Area</b>	4.05-ha	36.0-ha
<b>Frontage</b>	45 m	111.7 m
<b>Depth</b>	270 m	700 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Proposed	Private Well
<b>Sewage Disposal</b>	Proposed	Septic System
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	10-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	150 m
<b>-Compliance?</b>	Yes	Yes – Minor Variance to reduce to 111.68 m approved Aug 2014

**Official Plan Designation:** Rural (on the Canadian Shield) and Rural Agriculture

**Conformity:** 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 2 Basis of Plan, Section 3.3 Rural Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 4.8.3 Sewage



Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.  
The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Community Official Plan.

**Zoning By-law** – Section 6 General Provisions, Section 12 Rural Zone  
The Town of Mississippi Mills advises that the proposal complies with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

**Town Planner's Report -**

**BACKGROUND & PROPOSAL**

The applicant was granted provisional consent (LDC File #B13/156) by the County of Lanark Land Division Committee on April 14, 2014, to sever a ±4.05ha (10ac) parcel of land from a ±40.05ha (98.96ac) landholding and retain a ±36ha (88.96ac) parcel of land which contains an existing detached dwelling, one (1) barn and two (2) outbuildings (see Appendix for severance location map). While all of the Municipality's conditions have been cleared, a draft deed was never submitted to the County and the consent was allowed to lapse. This is a resubmission of Consent Application B13/156.

**DESCRIPTION OF PROPERTY & SURROUNDING LAND USES**

The subject property is located within the Ramsay Ward, approximately 3km northwest of Carleton Place. The property is ±40.05ha (98.96ac) in area, resembles an original township lot, and has a frontage of ±157.68m (517.32ft) on Quarry Road. The property currently contains one (1) existing detached dwelling, one (1) barn, and two (2) outbuildings.

The northwest half of the property consists of heavily wooded, non-tillable land, while the southwest half contains the previously noted structures, agricultural fields, as well as an area licensed for sewage spreading. Access to the property is currently provided by way of an existing driveway from Quarry Road at the north corner of the lot. This entrance would continue to provide access to the retained parcel, while an entrance obtained from the Municipality in 2011 would provide access to the severed parcel (1273 Quarry Road).

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

**EVALUATION OF THE APPLICATION**

**PLANNING ACT, R.S.O 1990**

Section 51(24) of the Act sets out the to consider when reviewing an application to subdivide land. Staff is of the opinion that the subject consent proposal respects the 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:

*1.1.5 Rural Lands in Municipalities*

*1.1.5.2 On rural lands located in municipalities, permitted uses are:*

*c) limited residential development.*

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

Staff notes that the addition of one (1) rural-residential building lot would be considered "limited residential development", and that such a development would be compatible with the rural character of the surrounding area. The proposed retained lot would be serviced by existing private well and septic services, while the proposed severed lot would be serviced by new private services. Due to the distance from existing public services, municipal water and sewage services are neither existing nor planned for this area and private services are considered to be suitable for the proposed development of the subject property. In addition, while the majority of the southwest portion of the property is identified as being locally significant agricultural lands within the COP, the setback of the severed lot from these lands would significantly exceed the 30m minimum distance outlined within the Community Official Plan.

*1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

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

Based on the above analysis, Staff is of the opinion that the proposal is consistent with the policies of the PPS.

COMMUNITY OFFICIAL PLAN (COP)

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

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

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

*4. The number of rural non-farm residential lots created by severance per land holding shall be limited to two lots created plus the remnant lot, except where otherwise specifically provided for in this Plan. A holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original township lot. Consents for a boundary adjustment, partial discharge of mortgage, easement or right-of-way shall not be considered toward the maximum number of consents per*

*holding.*

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

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

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

There appears to be opportunity to site a new driveway entrance at least 150m from neighbouring entrances on the south-side of Quarry Road. Furthermore, the Municipality's Roads and Public Works Department conducted a field review of the severance proposal and expressed no concerns with the parcel orientation and/or prospective locations for private access. As noted, an entrance obtained from the Municipality in 2011 would provide access to the severed parcel (1273 Quarry Road).

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

As the proposal would result in the creation of only one (1) additional  $\pm 4.05$ ha building lot, there would appear to be a sufficient area to accommodate the required on-site private services. The owner will be required to receive necessary approvals from the Leeds, Grenville and Lanark District Health Unit for such services.

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

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

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

The severed parcel is  $\pm 4.05$ ha in area while the retained parcel would be  $\pm 36$ ha.

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

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

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

The location of the severed lot is not anticipated to have an adverse impact on the rural landscape or any significant vegetation features. That being said, Staff encourages as much tree retention as possible.

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

#### ZONING BY-LAW #11-83

The subject property is currently zoned "Rural (RU)" by the Municipality's Zoning By-law #11-83. The development standards of the RU Zone vary depending on the use occurring on the property (being Agricultural, Rural, or Non-Farm Residential). As such, the severed parcel would likely fall under a "Non-Farm Residential" use while the retained parcel would be subject to the "Rural Use" provisions. Notably, the "Non-Farm Residential" use requires a minimum lot area of 1ha (2.47ac) and a minimum frontage of 45m (148ft), while the "Rural Use" requires a minimum lot area of 10ha (24.7ac) and a minimum frontage of 150m (492ft).

Based on the severed parcel's lot area of ±4.05ha (10ac) and lot frontage of ±45m (148ft), it would satisfy the development standards of the "Non-Farm Residential" use. However, the retained parcel's frontage of ±111.68m (366.40ft) would be slightly deficient of the 150m (492ft) required by Zoning By-law #11-83. As such, the applicant obtained Minor Variance approval from the Municipality's Committee of Adjustment on August 6th, 2014 to reduce the minimum lot frontage requirement from 150m (492ft) to 111.68m (366.40ft) in order to proceed with the consent application.

#### CONCLUSION

Overall, Staff views the proposal to be a desirable and logical form of development. The proposed consent application is compatible with the rural character of the surrounding area and can be sustained by rural service levels. Furthermore, Staff views the proposal to conform to the rural consent policies of the Community Official Plan, consistent with the PPS, and appears to generally satisfy the development standards of Zoning By-law #11-83.

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

1. That the owners pay any outstanding property taxes on the subject property.

#### **Conservation Authority** – Mississippi Valley Conservation Authority

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. MVCA previously submitted a review for the subject property under consent application B13/156, in a letter to the County of Lanark dated March 7, 2014. It is our understanding that the subject application is a resubmission of this application, which lapsed. According to the information provided, the subject application is the same as the original submission. Therefore, our comments have not changed. Please refer to the March 7, 2014 report:

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial

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

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

#### PROPOSAL

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

#### PROPERTY CHARACTERISTICS

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

#### REVIEW

##### Natural Heritage Values

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

##### Natural Hazards

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

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

#### RECOMMENDATIONS AND CONCLUSIONS

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

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

#### NOTES

A review for Species at Risk was not conducted. We suggest contacting the

Ministry of Natural Resources should you require a review in this regard.

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

**Septic Office** – Leeds Grenville and Lanark District Health Unit - Report the same as that which was provided in 2014.

Severed Lands – A 4.05 hectare parcel of vacant land that is a bush mix with rock out cropping's. Winter weather conditions present soil depths being determined. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

Retained Lands – A 36 hectare parcel of land with an existing house serviced with a well and septic system. There are various out buildings. Recommendation – Additional sandy loam fill will be required in the area of the future tile bed.

**Hydro One Networks** – No comments were received.

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

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 4.005-ha vacant landholding and retain a 36.0-ha landholding with an existing dwelling, barn and outbuildings. This is a re-submission of application B2013/156 which was allowed to lapse.

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

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

**Agricultural Operations**

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lot. The MDS indicate a minimum setback of 175 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as less than the required setback, however MDS Provision 42 states "Where larger lots may be permitted (generally greater than 1 ha), a suitable location must be identified for a 1 ha building envelope outside the MDS setback". The total lot area to be severed is 4.05 ha therefore a suitable building envelope may be obtained utilizing the north ½ of the lot. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours, etc.

Soils Inventory – Name: Monteagle

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

- Hydrogeology: moderate

Bedrock Inventory – diorite, gabbro, peridotite.

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

#### Endangered Species

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 did 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. 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, 1975 within the rural designation.
- 3 Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Town of Mississippi Mills.

#### Zoning

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

be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. 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 Town's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

**(e) MINUTES – September 14, 2015**

Scott McIntyre, 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.

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



4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are adjacent to a Waste Management System (Hauled Sewage) licensed under the Ministry of the Environment and Climate Change and may therefore be subject to noise, odours and others nuisances associated with the activity".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
6. A letter shall be received from the Town of Mississippi Mills stating that condition #5 has been fulfilled to their satisfaction.

**NOTES**

1. *The Mississippi Valley Conservation Authority advises that the following mitigative measures should be adhered to for any future development on the proposed severed lands:*
  - 1.1. *Future development, including a septic system shall be setback a minimum of 30 metres from the unclassified wetlands.*
  - 1.2. *The shoreline vegetation surrounding the wetlands shall be retained to a minimum depth of 15 metres.*
  - 1.3. *Future development shall be directed away from wetland areas consisting of organic soils.*
  - 1.4. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands or onto adjacent properties.*
  - 1.5. *The wetlands shall remain undisturbed.*
2. *The LGL Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed on the severed lands and for any replacement tile bed are on the retained lands.*
3. *It is recommended that the applicant review water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*The Ministry of Natural Resources and Forestry 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:** David Bangs

**Hearing Date:** Sept 14, 2015

**Agent:** ZanderPlan Inc.

**LDC File #:** B15/083

**Municipality:** Tay Valley Township

**Geographic Township:** North Burgess

**Lot:** 21

**Conc.:** 10

**Roll No.:** 0911 911 010 36700

**Consent Type:**

New lot & lot addition

**Purpose and Effect:**

To sever a 2.87-ha residential lot with an existing dwelling located at 1463 Upper Scotch Line and the retained lands are being consolidated with adjacent lands described as 1363 Upper Scotch Line (W Pt Lot 20 Con 10 North Burgess).

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands to be Consolidated</b>
<b>Existing Use</b>	Residential	Vacant
<b>Proposed Use</b>	Residential	Residential/Farm
<b>Area</b>	2.787-ha	40.6-ha
<b>Frontage</b>	152 m	117.6 m
<b>Depth</b>	182.9 m	1600 m
<b>Road - Access to</b>	Municipal	Unopened Road Allowance
<b>Water Supply</b>	Private Well	None
<b>Sewage Disposal</b>	Septic System	none
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	n/a – lot addition
<b>-Compliance?</b>	Yes	
<b>-Frontage (minimum)</b>	60 m	
<b>-Compliance?</b>	Yes	

**Official Plan Designation:** Rural

**Conformity:** 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.

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

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

**Local Official Plan** - Section 2 General development Policies, Section 3.6 Rural Policies, section 4.4 Township Roads, Section 5.2 Land Division.

Tay Valley Township advises that the proposal conforms to the designations and policies of the official plan.

**Zoning By-law** – Section 3 General Provisions, Section 10 Rural Zone.

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

#### **(b) AGENCY REVIEW**

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

##### **Township Planner's Report -** **BACKGROUND**

The proposal is to sever a 2.87 ha residential lot with an existing dwelling. The retained lot is 37.6 ha and is proposed to be consolidated with an adjacent parcel of 40 ha.

## DISCUSSION

Consistent with Provincial Policy Statement Yes

Conforms to Official Plan Yes

Complies with Zoning By-Law Yes

Recommend consent for this application Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed / Transfer
- Two copies of the reference plan
- Payment of \$100 Cash-in-Lieu of Parklands

Advisory Notes

• No development is to occur within 30 metres of a waterbody. If development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement will be required.

## PROVINCIAL POLICY STATEMENT

No concerns.

## OFFICIAL PLAN

Section 3.6 Rural with a section of Organic Soil near the lower end of the parcel. Residential use is permitted.

## ZONING BY-LAW

Section 10.1 Rural: Both lots meet the requirements for the Rural zone for frontage and area (60 m on open road for the severed lot with a total width of 152 m including the unopened road allowance frontage; 552 m of frontage for the retained plus the 117 m of frontage on the unopened road allowance). Sixty metres is the minimum required frontage. The severed parcel is proposed to be 2.78 ha (6.89 ha) and the retained is proposed to be 40 ha (99 acres) before consolidation. Two hectares is the minimum lot size required for a rural use.

## CONSERVATION AUTHORITY

Rideau Valley Conservation Authority (RVCA) Comments not available at the time of the report.

## SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) Comments not available at the time of the report.

## CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed in the Staff Recommendation section above.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.

3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That, payment of \$100.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands.
5. That, no development is to occur within 30 metres of a waterbody; however if development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement is required."

**Conservation Authority**

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

- 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 Proposal**

The application will sever the existing residence and will also transfer the retained lot (99 acres) to the adjacent farm as the recipient lot.

**Review Comments and Recommendations**

The Rideau Valley Conservation Authority has no objection to the lot addition or the severance of the existing residence.

We note that there are several unevaluated wetland pockets and low order branches of Grants Creek traversing both the retained, severed and recipient parcels. In order to protect these features, the Rideau Valley Conservation Authority recommends that a 30 metre setback be maintained from these small watercourses and wetlands within which there will be no site disturbance.

We note that prior written approval from the Rideau Valley Conservation Authority is required prior to any altering, straightening, changing, diverting or interfering with the channel as per our Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Waterways Regulation").

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned should you have any questions.

**(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 2.47-ha residential lot with an existing dwelling located at 1463 Upper Scotch Line, with the retained lands being consolidated with abutting lands described at N Pt Lot 20 Conc 10 North Burgess. The abutting lands have an existing dwelling, outbuildings and barn located at 1363 Upper Scotch Line Road.

The subject lands are located in an area characterized by large landholdings along Upper Scotch line Road. A few smaller type residential lots are located to the north.

The lands are accessed via Upper Scotch Line Road, a municipally maintained road. This road ends at the entrance into 1463 Upper Scotch Line Road; therefore the retained lands have no frontage on an opened and maintained municipal road. For this reason the applicant will be consolidating the retained lands with the abutting lands at 1363 Upper Scotch Line.

#### Agricultural Operations

Due to an agricultural operation being located on the lands to be enlarged, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 112 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant exceeds 300 m and is already built on. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory – Name: monteagle

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

Bedrock Inventory – granodiorite, granite, syenite

#### Endangered Species

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 Meadowlark (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 been established by Tay Valley Township.

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. 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 – September 14, 2015**

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

Ms. Zander provided a brief background on the application, advising that the opened and maintained Township Road ends at the entrance to the Bangs residence, therefore the retained lands would not have any frontage, without being added to the adjacent 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. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above for the severed lands, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The applicant shall cause the retained lands to be consolidated on title with the abutting lands, known as 1363 Upper Scotch Line.  
The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above for the retained lands, 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 Elizabeth Jean Jackson-Bangs described as N Pt Lot 20 Conc 10, geographic Township of North Burgess, 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".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. 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.
7. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
10. A letter shall be received from Tay Valley Township stating that condition #5 through #9 has been fulfilled to their satisfaction.

## **NOTES**

1. *The Rideau Valley Conservation Authority notes that there are several unevaluated wetland pockets and low order branches of Grants Creek traversing both the retained, severed and recipient parcels. In order to protect these features, the Rideau Valley Conservation Authority recommends that a 30 metre setback be maintained from these small watercourses and wetlands within which there will be no site disturbance.*
2. *The RVCA also advise that prior written approval from the Rideau Valley Conservation Authority is required prior to any altering, straightening, changing, diverting or interfering with the channel as per our Ontario Regulation 174/06 ("Development, Interference with Wetlands and Alteration to Waterways Regulation").*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*The Ministry of Natural Resources and Forestry 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.*



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.

### **2.3 Agriculture**

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

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operations as a result of farm consolidation (subject to conditions); and
- c) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

**County Official Plan** – Section 4.3.4 Local Roads, Section 6.1 Agriculture Resources, Section 8.2.2 Consents.

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

**Local Official Plan** - Section 2 Basis of Plan, Section 3.2 Agricultural Policies, Section 4 General Policies, section 4.6.4 Local Municipal Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

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

**Zoning By-law** – Section 6 General Provisions, Section 11 Agricultural Zone.

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

(b) **AGENCY REVIEW**

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

**Town Planner's Report -**

**PURPOSE & EFFECT OF APPLICATION**

Darwin and Margaret Ziebarth have submitted a consent application to the County of Lanark requesting to sever a  $\pm 1,058\text{m}^2$  (0.26ac) parcel of land as a lot addition to lands owned by the Estate of Marjorie Helen Ziebarth located at 2255 Pakenham Concession 12 North and retain a  $\pm 40.33\text{ha}$  (99.66ac) landholding at 2253 Pakenham Concession 12 North. The benefitting lot would have a new lot area of  $\pm 3,155\text{m}^2$  (0.78ac) and both properties would continue to maintain their existing frontages along Pakenham Concession 12 North. The purpose of the application is to adjust the boundary of the westerly (rear) property line of 2255 Pakenham Concession 12 North to include a private well that is used to service the lot. This is because when the lot was originally created by severance around 1981, the dimensions proposed were not large enough to accommodate the well.

**DESCRIPTION OF PROPERTY & SURROUNDING LAND USES**

The subject lands are located between Waba Road and Pakenham Concession 12 North, north of Barr Side Road and in the Ward of Pakenham.

The lands to be enlarged are currently  $\pm 2,097\text{m}^2$  (0.52ac) in size and have a lot frontage of  $\pm 45.72\text{m}$  (150ft) along Pakenham Concession 12 North. The lands to be severed/retained are currently  $\pm 40.44\text{ha}$  (99.92ac) in size with lot frontages of  $\pm 262.26\text{m}$  (860.43ft) along Pakenham Concession 12 North and  $\pm 301.50\text{m}$  (989.17ft) along Waba Road. The lands to be retained have a small pond and a stream flowing through them and are occupied by a detached dwelling and several farm buildings and structures (see Site Plan in Appendix). The lands to be enlarged are occupied by a detached dwelling and a detached garage. The properties are generally surrounded by agricultural properties with active farming operations. The properties are designated "Agriculture" in the Municipality's Community Official Plan (COP) and zoned "Agricultural (A)" by Zoning By-law #11-83.

**SERVICING & INFRASTRUCTURE**

Both properties are currently serviced by private well and septic services and the servicing and infrastructure demands will not change as a result of the proposal. The only difference is that the private well used to support 2255 Pakenham Concession North would now be on its own property. Both properties have frontage along Pakenham Concession North, a municipally owned and maintained road, with 2253 Pakenham Concession North also having frontage along Waba Road, a County owned and maintained road.

**EVALUATION OF THE APPLICATION**

**PLANNING ACT, R.S.O 1990**

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

Staff is of the opinion that the subject consent proposal respects the 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:

*1.1.1 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*

*e) Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs*

*2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.*

The Provincial Policy Statement discourages lot creation in prime agricultural areas, but does allow for lot adjustments. Section 2.3.4.2 states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. The PPS defines legal or technical reasons for severances as easements, corrections to deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot. The intent of the policy is to keep as much of the agricultural land in production as possible.

The purpose of the application is to adjust the boundary of the westerly (rear) property line of 2255 Pakenham Concession 12 North to include a private well that was not accommodated when the lot was originally created. As noted, a severance for a minor boundary adjustment qualifies as a lot adjustment for legal or technical reasons, so the proposal is consistent with Section 2.3.4.2 of the PPS. The size of the severance is being kept to a minimum by only enlarging the lot to the extent necessary to accommodate the well, so the intent of the policy to keep as much agricultural land in production as possible is also being maintained. Therefore, Staff views the proposal to be an efficient and logical form of development which is in keeping with Sections 1.1.1 and 2.3.4.2 of the PPS.

#### COMMUNITY OFFICIAL PLAN

The subject properties are designated "Agriculture" in the Municipality's Community Official Plan (COP). Section 3.2.7 of the COP provides the policies for severances and the creation of lots within the Agriculture designation. Section 3.2.7.2 states that severances for boundary adjustments between agricultural holdings may be permitted provided that no new lot is created and the size of the lots are appropriate for the type of agriculture proposed. As the proposal involves a minor boundary adjustment for the purpose of accommodating a private well with no new lot being created, the application conforms to the Agricultural policies of the COP.

#### ZONING BY-LAW #11-83

The subject properties are zoned "Agricultural (A)" by Zoning By-law #11-83. The A Zone permits residential uses such as a detached dwelling and a garden suite, and non-residential uses such as agricultural uses and other similar uses. The development standards of the A Zone vary depending on whether the use of the land is "Agricultural" or "Non-Farm Residential". The following table outlines the minimum lot area and lot frontage requirements of the A Zone for Agricultural and Non-Farm Residential uses against the dimensions of the proposed retained and benefitting lots:

Table 1: A Zone Development Standards vs. Proposed Lot Dimensions

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT (AGRICULTURAL USE)	PROPOSED RETAINED LOT	BY-LAW REQUIREMENT (NON-FARM RESIDENTIAL USE)	PROPOSED BENEFITTING LOT
Lot Area	40ha	40.33ha	0.4ha	0.3155ha
Lot Frontage	150m	262.26m	45m	45.72m

The lot frontages of the proposed benefitting and retained lots from the lot addition severance will not change as a result of the proposal. The lot area of the proposed retained lot would decrease from ±40.44ha to ±40.33ha, while maintaining ±262.26m of frontage along Pakenham Concession 12 North. As such, the proposed retained lot would continue to maintain compliance with the minimum lot area and lot frontage requirements of the A Zone for an Agricultural Use.

The minimum lot area of the proposed benefitting lot will increase from ±0.2097ha to ±0.3155ha, while maintaining ±45.72m of frontage along Pakenham Concession 12 North. While this lot would still be slightly deficient with respect to the minimum lot area requirement for a Non-Farm Residential use, the lot area of the property would be increasing as a result of the proposal. Therefore, relief from Zoning By-law #11-83 is not required for this proposal as the property is moving towards compliance with the minimum lot area requirement.

**CONCLUSION**

As the proposal involves a minor lot adjustment in order to accommodate a private well needed to service the lands to be enlarged, Staff views the proposal to be a desirable and logical form of development. No new lot is being created as a result of the proposal and the area to be severed is being kept to a minimum in order to keep as much agricultural land in production as possible. Furthermore, Staff views the proposal as conforming with the Agricultural policies of the Community Official Plan, consistent with the PPS, and generally satisfies the development standards of Zoning By-law #11-83.

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

1. That the owners pay any outstanding property taxes on the subject properties;
2. That the parcel intended to be severed be conveyed to the abutting landowner to the immediate northeast and be consolidated with said owner’s existing property;
3. That the applicants provide two (2) copies of the registered reference plan to the Municipality; and,
4. That the applicants provide digital copies of the registered reference plan in .DWG and .PDF file formats.

**(c) PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 1,058 sq.m. parcel of land as a lot addition to lands owned by The Estate of Marjorie Helen Ziebarth at 2255 12<sup>th</sup> Con N Pakenham. The existing well for the residence is located on the lands to be severed and consolidated with the existing lot.

The original lot owned by Marjorie Ziebarth was created in 1981 as application No. B1981/045, and met the Official Plan Policies at that time for a second residence for farm family members.

The subject lands are located in an area characterized by agriculture and large landholdings.

**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, 1975 within the rural designation.
- 3 Woodlands  
The area has not been mapped as 'woodlands'.

**Zoning**

The subject property is currently within the agriculture section of the Zoning By-law. The additional lands will establish the existing well on the same property. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

**Conclusion**

No new or additional infrastructure is required as a result of the proposal. The severed lands will increase the existing lot to meet the minimum requirements of Town's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the



applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(e) **MINUTES – September 14, 2015**

No persons attended the hearing.

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 The Estate of Marjorie Helen Ziebarth described as Part 1, Plan 26R-1493, being N Pt Lot 17 Con 11 Pakenham, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format and .PDF file format to the Town of Mississippi Mills.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** 1427386 Ont. Ltd

**Hearing Date:** Sept 14, 2015

**Agent:** n/a

**LDC File #:** B15/089

**Municipality:** Town of Carleton Place

**Geographic Township:** Carleton Place

**Lot:** 18

**Plan:** 1222

**Roll No.:** 0928 010 020 33400

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 359 sq.m. residential lot and retain a 298.4 sq.m. residential lot, to split the semi-detached dwelling units (#343 and 341 Moffatt Street) under separate ownership.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Semi-detached dwelling	Semi-detached dwelling
<b>Proposed Use</b>	Semi-detached dwelling	Semi-detached dwelling
<b>Area</b>	359 sq.m.	298.4 sq.m.
<b>Frontage</b>	10.82 m	8.99 m
<b>Depth</b>	33.18 m	33.195 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Piped Water	Piped Water
<b>Sewage Disposal</b>	Sanitary sewers	Sanitary Sewers
<b>Development Permit By-law Category</b>	Residential District	Residential District
<b>-Area (minimum)</b>	60% coverage	60% coverage
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	7.5 m	7.5 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Residential

**Conformity:** 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.

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 2.0 Community Design Framework, Section 3.5 Residential District, Section 4.3.3 Transportation, Section 6.7.2 Consents.

The Township of Carleton Place advises that the proposal conforms with the designations and policies of the Official Plan.

**Development Permit By-law** – Section 3.0 General Provisions, 6.0 Residential District

The Town of Carleton Place advises that the proposal does not comply with the DP – an application to amend 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 Planning Report -**

A consent application has been received from the property known municipally as 341-343 Moffatt St. The subject lands are legally described as Part of Lot 18, Plan 1222.

This consent application is to sever a 359 m<sup>2</sup> residential lot, leaving a 298.4 m<sup>2</sup> portion of retained residential property. The purpose of this severance is to split the existing semidetached units into separate ownership. The semi-detached units

were constructed and approved through building permit 15N011.

The Provincial Policy Statement, 2014 (PPS) provides direction on matters of provincial interest pertaining to land use matters and all development proposals must be consistent with the policies therein. The statement believes that long term prosperity for the province depends upon a "strong, sustainable and resilient community, a clean and healthy environment, and a strong and competitive economy." The policy statement directs development to settlement areas and protects resources throughout the province.

Section 1.0 of the statement, Building Strong Healthy Communities, stresses efficient development patterns by supporting infill development, utilizing existing infrastructure and promoting opportunities to create a varied built form.

Section 2.0 of the statement protects resources and section 3.0 outlines policies to direct development away from areas of potential hazards.

The proposed severance complies and is consistent with policy directions within the Provincial Policy Statement.

The Official Plan designation for this property is Residential (R). This designation allows for a mix of housing types which complements the existing small town character. The Development Permit By-law also designated the property as residential (R). The severance will allow for the creation of a new residential building lot within the Town of Carleton Place. Both the retained and severed lot will meet the minimum frontage required under the Development Permit By-law.

#### COMMENT

The proposal, if approved, will allow for the creation of an infill residential lot as well as to allow for the existing semi-detached to be under separate ownership. The lots are appropriately designated in both the Official Plan and in the Development Permit By-law.

As with any severance application, staff compiles a list of conditions that the application must meet before final approval and creation of new deed. It should be noted that once Council makes a decision, the applicant must clear all conditions within one year from the date of that decision.

**Town of Carleton Place** - recommends approval of this application subject to the following conditions:

1. The balance of outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
2. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum)
3. The applicant shall provide a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
4. That a deposited reference plan be submitted to the Town of Carleton Place.
5. That a cash-in-lieu of parkland payment of \$1500.00 be collected.

**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 359 sq.m. presidential lot and retain a 298.4 sq.m. residential lot in order to separate a semi-detached dwelling unit along the foundation dividing wall to allow for separate ownership of each of the two units. 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 Moffatt 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. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision. Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which do not result in the creation of a new lot.
- 3 Woodlands  
The Town of Carleton Place uses a 'tree preservation plan' for ensuring that tree cover is maintained within the Town.

Development Permit

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.* 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 Carleton Place and could be given favourable consideration.

**(e) MINUTES – September 14, 2015**

Leonard Fraser, principal of 1427386 Ont. Ltd. 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.

**B15/089**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. The applicant to provide a digital copy of the registered reference plan in a NAD83 datum file format to the Town of Carleton Place.
5. The application shall provide the Town of Carleton Place with a deposited reference plan.
6. Payment of \$1,500,00 shall be made to the Town of Carleton Place representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
7. The applicant shall provide a site grading and drainage plan for the retained and severed parcel to the satisfaction of the Town of Carleton Place.
8. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are

in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:

- Adequate frontage along the maintained road
- Adequate access along the maintained road

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

**NOTES**

1. *The Town of Carleton Place 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.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Daniel Jibb / Nancy Veary

**Hearing Date:** Sept 14, 2015

**Agent:** ZanderPlan Inc.

**LDC File #:** B15/091

**Municipality:** Lanark Highlands

**Geographic Township:** Darling

**Lot:** 7

**Conc.:** 7

**Roll No.:** 0940 944 015 10000

**Consent Type:** R-O-W / Easement

**Purpose and Effect:**

To legally establish an existing right-of-way (private road) with an interest to be conveyed to Timothy Jibb at 613 Caldwell Lane.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Right-of-way	Residential/Farm
<b>Proposed Use</b>	Right-of-way	Residential/Farm
<b>Area</b>	6,372.45 sq.m..	29.6-ha
<b>Frontage</b>	9.14 m width	75 m – water
<b>Depth</b>	70 m length	Irregular
<b>Road - Access to</b>	Private Road	Private road
<b>Water Supply</b>	n/a	Private well
<b>Sewage Disposal</b>	n/a	Septic system
<b>Zoning By-law Category</b>	Limited Service Rural	Limited Service Rural/Comm
<b>-Area (minimum)</b>	n/a – r-o-w	1.0-ha
<b>-Compliance?</b>		Yes
<b>-Frontage (minimum)</b>		60 m
<b>-Compliance?</b>		yes

**Official Plan Designation:** Rural

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**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.



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

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

**Local Official Plan** - Section 3.3 Rural Communities, Section 7.4.4 Private Roads, Section 8.4.2 Consents.

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

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

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

**(b) AGENCY REVIEW**

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

**Township Planning Report -**

An application has been received from the County of Lanark Land Division Committee to legally establish an existing Right-of-Way (private road) with an interest to be conveyed to Timothy Jibb at 613 Caldwell Lane.

**OFFICIAL PLAN**

Section 4.5.4 of the Official Plan, provides for development to occur along a private roadway as long as the right of way is registered on title and provision has been made for individual or private maintenance solutions. The property owners should be aware that the Township is under no obligation to service or maintain the right of way.

**ZONING**

The lands are zoned Limited Services Rural on Schedule 'A 3' of Zoning By-law 2003-451.

**DISCUSSION**

The application is housekeeping exercise to provide the property owner with direct access to their land via the private road at the termination of Caldwell Lane. The proposal is consistent with township land use policy and is supported by staff.

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

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

**(c) PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever an existing right-of-way to legally describe the private road and to convey an easement over this private road to Timothy Jibb, a newly created lot (see B14/104).

The right-of-way extends to already legally described private road, locally know as Caldwell Lane, which adjoins Caldwell Lane, a municipally maintained road.

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. (This section is under appeal to the OMB – until such time as the appeal has been resolved the old policy remains in effect – 2 plus 1 retained). 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 Limited Service Residential Zone. The r-o-w already exists and no changes are 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 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 – September 14, 2015**

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

Ms. Zander provided a brief outline on the purpose of the application. This being a subsequent application to B14/104, which will provide the newly created lot with additional legal frontage along the private road.

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 r-o-w purposes only in favour of Timothy Jibb, Pt Lot 7 Con 6 Darling, being Part 1 on 27R-10586.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.