



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in a special meeting on Tuesday, July 15, 2008, at 9:00 a.m. at the Lanark County Administration Building, Perth, Ontario.

Members Present: R. Strachan, D. Murphy and C. Tyson

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**Chair:** R. Strachan

**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-2008-018**

**MOVED BY:** C. Tyson  
**SECONDED BY:** D. Murphy

**"THAT,** the minutes of the Land Division Committee meeting held on June 23, 2008 be approved as circulated."  
**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2008-019**

**MOVED BY:** D. Murphy  
**SECONDED BY:** C. Tyson

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

**5. DELEGATIONS & PRESENTATIONS**

None.

**6. COMMUNICATIONS**

Township of Drummond / North Elmsley – requesting LDC to rescind conditions regarding rezoning on applications B08/009, B08/010, B08/011 and B08/027. B Strachan advised the Members that he reviewed this request with Peter Vice, Solicitor for the County.

**MOTION #LD-2008-020**

**MOVED BY:** C. Tyson  
**SECONDED BY:** D. Murphy

“**THAT**, the Land Division Committee concur with the decision made at the April 28, 2008 hearing ”. **ADOPTED**

**MOTION #LD-2008-021**

**MOVED BY:** D. Murphy  
**SECONDED BY:** C. Tyson

“**THAT**, the Secretary draft a response to the Township of Drummond / North Elmsley for review by the Committee, outlining the reasons for the decisions that were made at the Public Hearing April 28, 2008”. **ADOPTED**

Ontario Municipal Board – information regarding a hearing decision regarding merging of lots. Further details on the decision to follow.

**7. REPORTS**

**7.1 NEW APPLICATIONS TO BE HEARD**

The Secretary gave a verbal report for the following applications which had been previously heard by the Land Division Committee and are awaiting a decision:

**7.1.1 B08/012, Estate of Mabel Gardiner**

Pt Lot 3 and 4 Concession 9 in the Township of Beckwith. (Squaw Point Road)

**7.1.2 B08/013, Constance Gardiner**

Pt Lot 1 Concession 9, Township of Beckwith. (Scotch Corners Road)

**7.1.3 B08/051, John Cusick**

Pt E Lot 8 Concession 8, Township of Montague. (Burchill Road)

- 7.1.4 **B08/054, Alois Joseph Kolarik**  
Lot 13 RP27R-5045 Pt 3 Plan 13199 Town of Perth. (Sherbooke St East)
- 7.1.5 **B08/064 and B08/065, Richard and Paul Robinson**  
Pt Lot 7 Concession 1, Township of Montague.(Richardson Road)
- 7.1.6 **B08/073, Lloyd and Jenny Craig**  
Pt Lot 23 Concession 4, Township of Montague. (Roger Stevens Drive and Matheson Road)

## 7.2 APPLICATIONS PREVIOUSLY HEARD 7 AWAITING A DECISION

- 7.2.1 **B5/096 to B05/100, Mary Moss, Eldon Moss, Ken Moss & Elaine Foster**  
Pt Lot 19 & 20 Concession 6, geographic Township of Drummond, in the Township of Drummond / North Elmsley. *Applications were appealed to the OMB and subsequently approved by the Board on June 18, 2008.*
- 7.2.2 **B07/164, Bruce Craig Munro & Marilyn Munro**  
Pt Lot 24 Concession 8, geographic Township of Darling, in the Township of Lanark Highlands. (630 Peter's Point Road) *Deferred pending review by the Counties Solicitor.*  
B Strachan reported on his meeting with Peter Vice, Solicitor for the County.  
B07/164, Munro to be placed on the June 28, 2008 LDC Agenda for decision.

## **8. NEW / OTHER BUSINESS**

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

### 8.1 PROVISIONAL CONSENT GRANTED

- 8.1.1 **B08/012, Estate of Mabel Gardiner**  
Pt Lot 3 and 4 Concession 9 in the Township of Beckwith. (Squaw Point Road)
- 8.1.2 **B08/013, Constance Gardiner**  
Pt Lot 1 Concession 9, Township of Beckwith. (Scotch Corners Road)
- 8.1.3 **B08/051, John Cusick**  
Pt E Lot 8 Concession 8, Township of Montague. (Burchill Road)

8.1.4 **B08/054, Alois Joseph Kolarik**  
Lot 13 RP27R-5045 Pt 3 Plan 13199 Town of Perth. (Sherbooke St East)

8.1.5 **B08/064 and B08/065, Richard and Paul Robinson**  
Pt Lot 7 Concession 1, Township of Montague.(Richardson Road)

8.1.6 **B08/073, Lloyd and Jenny Craig**  
Pt Lot 23 Concession 4, Township of Montague. (Roger Stevens Drive  
and Matheson Road)

## **9. ADJOURNMENT**

The next meeting date was scheduled for July 23, 2008.

The meeting adjourned at 11:19 a.m.

**Mary Kirkham**  
**Secretary-Treasurer**

## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

Date: July 9, 2008

Owner: Estate of Mabel Gardiner

LDC File #: B08/012

Township: Beckwith

Municipality: Beckwith

Lot: Pt 3 & 4

Conc: 9

Roll No. 0924 000 025 06700

Type: Lot Addition

### SUMMARY

The purpose and effect of the application is to sever a 0.4-ha vacant parcel of land as an addition to the adjacent lot to the south owned by John Lacharity and Elizabeth Ann Hay (235 Squaw Point Road). Any existing rights-of-way across the lands to be severed will continue to exist and are not affected by the proposed conveyance.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Vacant Garage & Septic	Vacant Vacant
Area Frontage Depth Road - Access to	45.4-ha 1000m m 400 m Squaw Point Rd	0.4-ha 60 m 68.5 m Squaw Point Rd	45.0-ha 1000 m 400 m Squaw Point Rd
Water Supply Sewage Disposal	None None	none Proposed	None None
Official Plan Designation -Conformity?	Rural / Wetland		
Zoning Category  -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance	Residential Limited Services / Wetlands 0.4-ha Yes 45 m Yes n/a	Residential Limited Services n/a n/a n/a n/a	Residential Limited Services / Wetlands 0.4-ha Yes 45 m No n/a

### POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial interests were identified during the review of this application. See comments from MVC for details.

Official Plan – The Township of Beckwith advises that the proposal appears to meet the general intent of the Official Plan policies.

Zoning By-law - The Township of Beckwith advises that the proposal appears meets the requirements outlined in the Township's Zoning By-law.

### **EXTERNAL CIRCULATION COMMENTS**

#### Township of Beckwith

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

1. That a copy of the registered reference plan be provided to the Township of Beckwith.
2. 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.
3. That a right-of-way be provided across the lot to be enlarged in order to provide continued access to properties located on the privately maintained Squaw Point Road.

#### Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the proposed severance is to sever a 0.4-hectare vacant parcel of land as a lot addition to 235 Squaw Point Road. We understand the intent to build a garage and install a septic system on the proposed severed lot. The proposed retained land is also vacant and equals 45 hectares in size with no intent to develop at this point in time. The lot to be enlarged is already developed.

According to available GIS mapping, the proposed severed parcel is marginally located within 120 metres of the *Mississippi Lake Wetland* which has been classified by the Ministry of Natural Resources as a Class 1 – Provincially Significant Wetland (PSW).

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of the wetland boundary, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the wetland. However, MVC is of the opinion that there would be limited value in conducting an Environmental Impact Statement (EIS) at this time for the following combined reasons:

- Sufficient area exists to accommodate the proposed development outside of the 120 metre adjacent lands for PSW's.
- The lot lines of the proposed severed parcel do not extend into the PSW.

However, in event that future development is proposed within the 120 metre adjacent lands to the PWS, an EIS will be required to support such development.

In addition, the property owner should be advised that any future proposed work which involves interference with the *Mississippi Lake Wetland*, may require written permission from MVC pursuant to Ontario Regulation 153/06 – "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

MVC does not object to the proposed severance.

Please advise us of the Committee's decision in this matter.

LGL Health Unit

Severed Lands – Relatively flat treed covered land with no soil drainage problems. Sandy loam soil approximately 2 feet deep. Proposed addition to an existing developed residential lot. Additional granular fill will be required if sewage disposal system is installed on the lot.  
Retained Lands – Relatively flat treed land with no soil drainage problems. Sandy loam soil variable depth. Satisfactory for intended purpose.

Hydro One Networks – No comments were received.

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

**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.

Sharon Potts requests to be notified of Meeting and Decision.

**MINUTES OF PUBLIC MEETING**

No persons attended the held on Tuesday, July 15, 2008.

**DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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. That the balance of any outstanding taxes shall be paid to the Township.
3. That the Right-of-Way across the lot be enlarged / widened in order to provide continued access to properties located on the privately maintained Squaw Point Road. The

applicant shall consult directly with the Township of Beckwith in this respect.

4. 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.
5. A letter shall be received from the Township of Beckwith stating that conditions #2 to #4 have been fulfilled to their satisfaction.
6. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by John Lacharity and Elizabeth Ann Hay, and any subsequent transfer, charge or other conveyance of the lands to be retained 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.

**NOTES:**

- *The LGL Health Unit advises that additional granular fill required in tile bed area if replaced.*
- *The Mississippi Valley Conservation (MVC) advises that the Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of the wetland boundary, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the wetland. However, MVC is of the opinion that there would be limited value in conducting an Environmental Impact Statement (EIS) at this time for the following combined reasons:*
  - *Sufficient area exists to accommodate the proposed development outside of the 120 metre adjacent lands for PSW's.*
  - *The lot lines of the proposed severed parcel do not extend into the PSW.*

*However, in event that future development is proposed within the 120 metre adjacent lands to the PWS, an EIS will be required to support such development.*

- *MVC also advises that any future proposed work which involves interference with the Mississippi Lake Wetland, may require written permission from MVC pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.*
- *The Township of Beckwith advises that all 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**

**Date:** July 9, 2008

**Owner:** Constance Gardiner

**LDC File #:** B08/013

**Township:** Beckwith

**Municipality:** Beckwith

**Lot:** Pt 1                      **Conc:** 9

**Roll No.** 0924 000 025 04800

**Type:** New Lot

### SUMMARY

The purpose and effect of the application is to sever a 0.68-ha residential building lot and retain a 25-ha residential landholding with vacant farm buildings. One previous severance was conveyed in 1976.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
<b>Existing Use</b>	Residential, Vacant Farm	Vacant	Residential, Vacant Farm
<b>Proposed Use</b>	Same	Residential	Same
<b>Area</b>	25.68-ha	0.68-ha	25.0-ha
<b>Frontage</b>	240 m	87 m	240 m
<b>Depth</b>	1000 m	78 m	1000 m
<b>Road - Access to</b>	Scotch Corners Rd	Scotch Corners Rd	Scotch Corners Road
<b>Water Supply</b>	Private Well	Proposed	Private Well
<b>Sewage Disposal</b>	Septic System	Proposed	Septic System
<b>Official Plan Designation -Conformity?</b>	Rural		
<b>Zoning Category</b>	Rural	Rural	Rural
<b>-Area Required (min.)</b>	0.4-ha	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes	Yes
<b>-Frontage Required (min.)</b>	45 m	45 m	45 m
<b>-Compliance?</b>	Yes	Yes	Yes
<b>-Depth Required (min.)</b>	n/a	n/a	n/a
<b>-Compliance</b>			

### POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial interests were identified during the review of this application. See comments from MVC for details.

Official Plan – The Township of Beckwith advises that the proposal appears to meet the general intent of the Official Plan policies.

Zoning By-law - The Township of Beckwith advises that the proposal appears meets the requirements outlined in the Township's Zoning By-law.

### **EXTERNAL CIRCULATION COMMENTS**

#### Township of Beckwith

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

1. That a copy of the registered reference plan be provided to the Township of Beckwith.
2. 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.
3. That the location of all entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.

#### Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the proposed severance is to sever a 0.68-hectare vacant parcel of land as a building lot. The proposed retained land is 25 hectares and is already developed.

The subject property is located on a section of upland with lowland along the east and west side. It also fronts onto an unclassified wetland and consists of an unnamed watercourse along its western boundary. In addition, according to available GIS mapping, the proposed severed parcel is partially located within 120 metres of the *Mississippi Lake Wetland* which has been classified by the Ministry of Natural Resources as a Class 1 – Provincially Significant Wetland (PSW). It is also partially located within the Regulation Limit of Mississippi Lake. The property is well treed.

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of the wetland boundary, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the wetland. However, MVC is of the opinion that there would be limited value in conducting an Environmental Impact Statement (EIS) at this time for the following combined reasons:

- Sufficient area exists to accommodate the proposed development outside of the 120 metre adjacent lands for PSW's.
- The lot lines of the proposed severed parcel do not extend into the PSW.

However, in event that future development is proposed within the 120 metre adjacent lands to the PWS, an EIS will be required to support such development.

MVC does not object to the proposed severance provided the following mitigative measures are implemented for any future development:

1. That no buildings or structures, including septic systems shall occur within 30 metres from the seasonal high water mark of the watercourse or the wetland.
2. A shoreline vegetative buffer (minimum 15 metres in depth) shall be retained along the watercourse and wetland.
3. Natural patterns on the site shall not be substantially altered, such that additional run-off is directed into the watercourse or onto adjacent properties.
4. Sediment control measures must be implemented throughout any future construction process (mainly the placement of a sediment barrier between exposed soil and the watercourse and wetland).

In addition, the subject property is partially within the Regulation Limit of Mississippi Lake. Therefore, the applicant should be advised that the property is regulated under Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. Written permission is required from MVC prior to the initiation of any construction or filling activity (which includes excavation, stockpiling and site grading) within the flood plain or Regulation Limit, or for any interference with *Mississippi Lake Wetland*.

Please advise us of the Committee’s decision in this matter.

LGL Health Unit

Severed Lands – Gently rolling pasture and treed land with no soil drainage problems. Sandy loam soil of variable soil depth. Additional granular fill may be required in proposed tile bed area.

Retained Lands – Relatively flat pasture land with wet area located on South side of lot. Sandy loam soil variable depth. Satisfactory for intended purpose.

Hydro One Networks – No comments were received.

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

**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.

**MINUTES OF PUBLIC MEETING**

No persons attended the held on Tuesday, July 15, 2008.

**DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

**REASONS:** Having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality, and having determined that the proposal is consistent with the policy statements issued under subsection 3(1) of the

Planning Act, and having had regard to the matters under subsection 51(24) of the Planning Act.

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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. That the balance of any outstanding taxes shall be paid to the Township.
3. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office.
4. The applicant shall enter into a development agreement with the Township, the terms of which are to be acceptable to the Township and Conservation Authority to implement appropriate mitigative measures for future development as outlined in the MVC Comment Form dated April 11 2008.
5. A letter shall be received from the Township of Beckwith stating that conditions #2 to #4 have been fulfilled to their satisfaction.
6. A letter shall be received from Mississippi Valley Conservation stating condition # 4 has been fulfilled to their satisfaction.

**NOTES:**

- *The LGL Health Unit advises that additional granular fill required in the proposed tile bed area.*
- *The Mississippi Valley Conservation (MVC) advises that the property is regulated under Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. Written permission is required from MVC prior to the initiation of any construction or filling activity (which includes excavation, stockpiling and site grading) within the flood plain or Regulation Limit, or for any interference with Mississippi Lake Wetland.*
- *The Township of Beckwith advises that all 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.*
- *The Township of Beckwith advises that the location of all entrance will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.*

## LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT**

**Date:** June 9, 2008

**Owner:** John Cusick  
**LDC File #:** B08/051  
**Township:** Montague  
**Municipality:** Montague  
**Lot:** Pt E 8 **Concession:** 3  
**Roll No.** 0901 000 010 36200  
**Type:** New Lot

### SUMMARY

The purpose and effect of the application is to sever a 0.407-ha residential lot with an existing residential dwelling and to retain a 40-ha vacant farm parcel. The lands are accessed by Burchill Road.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
<b>Existing Use</b> <b>Proposed Use</b>	residential residential	residential residential	vacant vacant
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	40.4-ha 305 m 1609 m Burchill Road	0.407-ha 46 m 88 m Burchill Road	40.0-ha 259 m 1609 m Burchill Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Private Well Private Septic	Private Well Private Septic	None none
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural		
<b>Zoning Category</b> <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b> <b>-Depth Required (min.)</b> <b>-Compliance</b>	Rural 2.0-ha Yes 46 m Yes n/a	Rural 0.4-ha Yes 46 m Yes n/a	Rural 2.0-ha Yes 46 m Yes n/a

### POLICY & REGULATION ANALYSIS

Provincial Policy Statement – No provincial interests were identified during the review of this application.

Official Plan – The Township of Montague advises that the proposal complies with the existing Official Plan policies.

Zoning By-law - The Township of Montague advises that the proposal meets the requirements outlined in the Township's Zoning By-law.

## EXTERNAL CIRCULATION COMMENTS

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

1. That 5% Cash-in-Lieu of Parkland be paid to the Township of Montague for each new lot created.
2. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
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.
4. That a copy of the reference plan be provided to the Township of Montague
5. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

Conservation Authority – Rideau Valley Conservation Authority

The subject application has been reviewed by the Rideau Valley Conservation Authority and a site inspection was completed. We have the following comments for the Committee's assistance.

The proposal will create a 0.407 hectare lot with an existing dwelling and retain a 40 hectare parcel. The vacant lands contain portions of the Provincially Significant Wetland known as the South Montague Swamp. There is a small portion of the wetland within the proposed severed lands along the eastern boundary according to our mapping. During our site inspection it was determined that the existing dwelling and associated infrastructure has had little impact to the wetland and immediate adjacent lands. The retained lands also contain unevaluated wetlands which are not delineated as provincially significant.

Please note the severed lands and portions of the retained lands are subject to Ontario Regulation 174/06: "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Development activities in or near a wetland (120 metres) requires the Conservation Authority's prior written approval. The 120 adjacent lands and regulated area is also displayed on the map. 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.*

The fragmentation of the wetland is minor and there is no anticipated impact to the function of the wetland. For these reasons we have no objection to the severance. Any new development in the regulated area requires a permit from the Conservation Authority. The Township should also be satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law.

Please advise the RVCA on the committee's decision regarding this application or any changes in its status.

LGL Health Unit –

Severed Lot – existing fully raised septic system on this parcel. There is adequate space to accommodate a replacement onsite sewage disposal system.

Retained Lot – there is adequate space on retained property to accommodate a new onsite sewage disposal system. Sandy loam fill will be needed in location of leaching bed.

Hydro One Networks – No comments were received.

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

**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.

**MINUTES OF PUBLIC MEETING**

No persons attended the held on Tuesday, July 15, 2008.

**DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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. That 5% cash in lieu of parkland be paid to the Township of each new lot created.
3. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. That a copy of the reference plan to be provided to the Township of Montague.
6. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres

(33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

7. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.

**NOTES:**

- *The Rideau Valley Conservation Authority advises that the severed lands and portions of the retained lands are subject to Ontario Regulation 174/06: "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Development activities in or near a wetland (120 metres) requires the Conservation Authority's prior written approval. The 120 adjacent lands and regulated area is also displayed on the map. 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.*
- *The LGL Health Unit advises that sandy loam fill will be required in the location of the leaching bed on the retained lot.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Date:** June 9, 2008

**Owner:** Alois Joseph Kolarik

**LDC File #:** B08/054

**Township:**

**Municipality:** Town of Perth

**Lot:** Lot 13 RP27R-5045 Pt 3 Plan  
13199

**Roll No.** 0921 010 015 06100

**Type:** Correction of Title

### SUMMARY

The purpose and effect of the application is to sever a 0.052-ha residential lot and retain a 0.052-ha residential lot which merged on title. Both lots have an existing residential dwelling.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
<b>Existing Use</b> <b>Proposed Use</b>	residential residential	residential residential	vacant vacant
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.104-ha 31.7579 m 30.78 m Sherbrooke St East	0.052-ha 15.6972 m 30.7726 m Sherbrooke St E	0.052-ha 16.0507 m 30.8183 m Sherbrooke St E
<b>Water Supply</b> <b>Sewage Disposal</b>	Piped Water Sanitary Sewers	Piped Water Sanitary Sewers	Piped Water Sanitary Sewers
<b>Official Plan Designation</b> <b>-Conformity?</b>	Residential		
<b>Zoning Category</b> <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b> <b>-Depth Required (min.)</b> <b>-Compliance</b>	Residential 2 420m <sup>2</sup> Yes 14 m Yes n/a	Residential 2 420m <sup>2</sup> Yes 14 m Yes n/a	Residential 2 420m <sup>2</sup> Yes 14 m Yes n/a

### POLICY & REGULATION ANALYSIS

Provincial Policy Statement – No provincial interests were identified during the review of this application.

Official Plan – The Town of Perth advises that the proposal complies with the existing Official Plan policies.

Zoning By-law - The Town of Perth advises that the proposal is unclear as to whether it meets the requirements outlined in the Town's Zoning By-law.

## **EXTERNAL CIRCULATION COMMENTS**

### Town of Perth –

The application is proposing the separation of two parcels with two existing dwellings that were, until recently separate properties. Municipal staff have confirmed that each dwelling has a separate connection to the Town's water supply and sanitary sewer services.

With respect to zoning conformity, the Residential Second Density (R2) Zone established by By-law 3358 applies to the severed and retained parcels. The zoning permits one single detached dwelling per lot and assessment records indicate that the building on each parcel resulting from the consent is a single detached dwelling. As such, the proposed consent is beneficial in that it will correct a situation that is presently non-conforming.

With respect to zoning compliance, both parcels would meet the minimum lot frontage and lot area requirements of the applicable R2 zoning. Municipal staff are satisfied, for the most part, that the existing structures meet current zoning standards or have legal non-complying status that would not be affected by the proposed consent. However, upon inspection of the site, municipal staff could not determine the location of the lot line proposed between the existing principal dwellings and accessory structures or the mutual driveway between the principal dwellings with an entrance onto Sherbrooke Street. The minimum side yard required is 1.2 m (4 ft). The Town would prefer if the side lot line were located in a manner that ensures the main dwellings and any permanent accessory structures are in compliance with the minimum side yard requirement. To the extent that is not achievable in a practical or reasonable manner, then a minor variance will be needed if the side yard setbacks resulting from the severance are non-complying.

The mutual driveway, between the two dwellings provides access to a garage on the severed parcel. It was not possible to determine if the proposed lot line will result in the driveway serving each parcel to be the minimum 2.6 m (8.5 ft) wide as specified in the Town's Zoning By-law. To ensure that the access rights are clear, the Town recommends that the severance result in either the lot line being located such that each lot has a minimum driveway width of 2.6 m, particularly between the buildings, or a mutual easement to the benefit of both the severed and retained parcels is created over at least a portion of the driveway along the common line.

I request that the Town of Perth be provided with a copy of the Committee's decision.

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

1. The Town's application review fee of \$150.00 be paid.
2. Any municipal service fees and taxes currently owing be paid.
3. Accurate information with regard to the location of existing buildings relative to the proposed boundary for the severed lot be provided to the Town and the lot line be configured to comply with the Zoning By-law of the applicant obtain a minor variance if necessary.
4. The proposed lot line result is the driveway on each parcel being at least 2.6 m wide or the severance be subject to an easement over the existing driveway between the dwellings, said easement being to the mutual benefit of both the severed and retained parcels of the adequate width to provide access to the satisfaction of the Town.
5. Three hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth. Alternatively, the applicant's solicitor undertake in writing to provide the Township of Perth with this information.

Conservation Authority – Rideau Valley Conservation Authority

The property is not in a regulated flood plain or in an area where Flood Plain Mapping study has been completed. As such the property is not subject to the Fill and Construction Regulations as administered by the Conservation Authority. The floodplain boundary is located on the east side of Sherbrooke Street. We have no objection to the severance. There are no anticipated impacts to natural heritage features or hazards as a result of this application.

LGL Health Unit – n/a

Hydro One Networks – No comments were received.

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

**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.

**MINUTES OF PUBLIC MEETING**

No persons attended the held on Tuesday, July 15, 2008.

**DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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. That the Town's application review fee of \$150.00 be paid.
3. That any municipal service fees and taxes currently owing be paid.
4. That accurate information with regard to the location of existing buildings relative to the proposed boundary for the severed lot be provided to the Town and the lot line be configured to comply with the Zoning By-law of the applicant obtain a minor variance if necessary.

5. That the proposed lot line result is the driveway on each parcel being at least 2.6 m wide or the severance be subject to an easement over the existing driveway between the dwellings , said easement being to the mutual benefit of both the severed and retained parcels of the adequate width to provide access to the satisfaction of the Town.
6. That three hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth. Alternatively, the applicant's solicitor undertake in writing to provide the Township of Perth with this information.
7. A letter shall be received from the Town stating that conditions #2 to #6 have been fulfilled to their satisfaction.

## LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT**

**Date:** July 9, 2008

**Owner:** Richard Robinson & Paul Robinson

**LDC File #:** B08/064

**Township:** Montague

**Municipality:** Montague

**Lot:** 7                      **Concession:** 1

**Roll No.** 0901 000 010 22600

**Type:** New Lot

### SUMMARY

The purpose and effect of the application is to sever a 0.53-ha residential building lot and retain a 30.4-ha vacant landholding. This application is concurrent with B08/065.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Vacant	Vacant Residential	Vacant Vacant
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	31.5-ha 271.3 m 1097 m Richardson Road	0.53-ha 91.4 m 61 m Richardson Rd	30.97-ha 180 m 1097 m Richardson Rd
<b>Water Supply</b> <b>Sewage Disposal</b>	None None	Proposed Proposed	None None
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural		
<b>Zoning Category</b> <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b> <b>-Depth Required (min)</b> <b>-Compliance?</b>	Rural 0.4-ha Yes 46m Yes n/a	Rural 0.4-ha Yes 46m Yes n/a	Rural 0.4-ha Yes 46m Yes n/a

### POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial interests were identified during the review of this application. See comments by RVCA.

Official Plan – The Township of Montague advises that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Township of Montague advises that the proposal meets the requirements outlined in the Township's Zoning By-law.

## EXTERNAL CIRCULATION COMMENTS

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

1. That 5% Cash-in-Lieu of Parkland be paid to the Township of Montague for each new lot created.
2. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
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.
4. That a copy of the reference plan be provided to the Township of Montague
5. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

Conservation Authority – Rideau Valley Conservation Authority

The subject application has been reviewed by the Rideau Valley Conservation Authority, and a site inspection as completed. We have the following comments for the Committee's assistance.

The proposal involves the creation of two new parcels of 0.53 hectares each with 30 hectares remaining in the retained portion. The proposed lots consist of abandon pasture with mixed bush. A watercourse (Rideau Creek) and unevaluated wetlands are located on the retained lands. There are also come other tributaries located on the retained lands. It should be noted that Rideau Creek is a significant tributary of the Rideau River. The RVCA does not have floodplain mapping on this section of Rideau Creek.

Rideau Creek is subject to the Authority's "Alteration to Waterways Regulation" (Ontario Regulation 174/06), written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse.

*The Conservation Authority has no objection to the consents as there is no anticipated impact to the watercourse or wetlands as a result of the applications. We recommend that any future development on the retained lands be located a minimum 30 metres from the wetland boundary or watercourse.*

Please advise us on the Committee's decision on the application or any changes in the status of the application.

LGL Health Unit –

Severed lands – 1.3 acre lot with brush and trees. The property slopes to the rear. There is at least 6 inches topsoil. It may be necessary to install a raised / partly raised septic system using imported fill material. The amount would depend on the exact location of the system.

Retained lands – 77.3 acres with field, trees and brush. The elevations vary. There is a creek and swampy area at the rear. It may be necessary to install a raised/ partly raised septic system using imported fill material. The amount would depend on the exact location of the system.

Hydro One Networks – No comments were received.

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

### **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.

Elaine Empy requested to be advised of the public hearing.

### **MINUTES OF PUBLIC MEETING**

Richard Robinson and Paul Robinson were present at the public meeting held on Tuesday, July 15, 2008 and gave evidence under oath.

R Robinson questioned the purpose and amount of the 5% Cash-in-Lieu. *B Strachan outlined the purpose and advised that the Township will calculate the amount for payment.*

### **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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. That 5% cash in lieu of parkland be paid to the Township of each new lot created.
3. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. That a copy of the reference plan to be provided to the Township of Montague.
6. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the

centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

7. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.

**NOTES:**

- *The Rideau Valley Conservation Authority advises that the severed lands and portions of the retained lands are subject to Ontario Regulation 174/06: "Alteration to Waterways Regulation". Written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. Any future development on the retained lands be located a minimum 30 metres from the wetland boundary or watercourse. 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.*
- *The LGL Health Unit advises that it may be necessary to install a raised / partly raised septic system using imported fill material. The amount would depend on the exact location of the system.*



## LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT**

**Date:** July 9, 2008

**Owner:** Richard Robinson & Paul Robinson

**LDC File #:** B08/065

**Township:** Montague

**Municipality:** Montague

**Lot:** 7 **Concession:** 1

**Roll No.** 0901 000 010 22600

**Type:** New Lot

### SUMMARY

The purpose and effect of the application is to sever a 0.53-ha residential building lot and retain a 30.4-ha vacant landholding. This application is concurrent with B08/064.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Vacant	Vacant Residential	Vacant Vacant
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	30.97-ha 271.3 m 1097 m Richardson Road	0.53-ha 91.4 m 61 m Richardson Rd	30.44-ha 88.4 m 1097 m Richardson Rd
<b>Water Supply</b> <b>Sewage Disposal</b>	None None	Proposed Proposed	None None
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural		
<b>Zoning Category</b> <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b> <b>-Depth Required (min)</b> <b>-Compliance?</b>	Rural 0.4-ha Yes 46m Yes n/a	Rural 0.4-ha Yes 46m Yes n/a	Rural 0.4-ha Yes 46m Yes n/a

### POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial interests were identified during the review of this application. See comments by RVCA.

Official Plan – The Township of Montague advises that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Township of Montague advises that the proposal meets the requirements outlined in the Township's Zoning By-law.

## EXTERNAL CIRCULATION COMMENTS

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

1. That 5% Cash-in-Lieu of Parkland be paid to the Township of Montague for each new lot created.
2. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
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.
4. That a copy of the reference plan be provided to the Township of Montague
5. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

Conservation Authority – Rideau Valley Conservation Authority

The subject application has been reviewed by the Rideau Valley Conservation Authority, and a site inspection as completed. We have the following comments for the Committee's assistance.

The proposal involves the creation of two new parcels of 0.53 hectares each with 30 hectares remaining in the retained portion. The proposed lots consist of abandon pasture with mixed bush. A watercourse (Rideau Creek) and unevaluated wetlands are located on the retained lands. There are also come other tributaries located on the retained lands. It should be noted that Rideau Creek is a significant tributary of the Rideau River. The RVCA does not have floodplain mapping on this section of Rideau Creek.

Rideau Creek is subject to the Authority's "Alteration to Waterways Regulation" (Ontario Regulation 174/06), written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse.

*The Conservation Authority has no objection to the consents as there is no anticipated impact to the watercourse or wetlands as a result of the applications. We recommend that any future development on the retained lands be located a minimum 30 metres from the wetland boundary or watercourse.*

Please advise us on the Committee's decision on the application or any changes in the status of the application.

LGL Health Unit –

Severed lands – 1.3 acre lot with brush and trees. The property slopes to the rear. There is at least 6 inches topsoil. It may be necessary to install a raised / partly raised septic system using imported fill material. The amount would depend on the exact location of the system.

Retained lands – 77.3 acres with field, trees and brush. The elevations vary. There is a creek and swampy area at the rear. It may be necessary to install a raised/ partly raised septic system using imported fill material. The amount would depend on the exact location of the system.

Hydro One Networks – No comments were received.

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

### **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.

Elaine Empy requested to be advised of the public hearing.

### **MINUTES OF PUBLIC MEETING**

Richard Robinson and Paul Robinson were present at the public meeting held on Tuesday, July 15, 2008 and gave evidence under oath.

R Robinson questioned the purpose and amount of the 5% Cash-in-Lieu. *B Strachan outlined the purpose and advised that the Township will calculate the amount for payment.*

### **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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. That 5% cash in lieu of parkland be paid to the Township of each new lot created.
3. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. That a copy of the reference plan to be provided to the Township of Montague.
6. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the

centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

7. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.

**NOTES:**

- *The Rideau Valley Conservation Authority advises that the severed lands and portions of the retained lands are subject to Ontario Regulation 174/06: "Alteration to Waterways Regulation". Written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. Any future development on the retained lands be located a minimum 30 metres from the wetland boundary or watercourse. 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.*
- *The LGL Health Unit advises that it may be necessary to install a raised / partly raised septic system using imported fill material. The amount would depend on the exact location of the system.*

## LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT**

**Date:** July 9, 2008

**Owner:** Lloyd & Jenny Craig

**LDC File #:** B08/073

**Township:** Montague

**Municipality:** Montague

**Lot:** 23      **Concession:** 4

**Roll No.** 0901 000 020 39400

**Type:** New Lot

### SUMMARY

The purpose and effect of the application is to sever a 15.8-ha building lot and retain a 20.7-ha vacant landholding. One previous severance was created in 1994 and three created prior to the adoption of the Official Plan in 1987.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Vacant	Vacant Residential	Vacant Vacant
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	36.5-ha 266.7 m 1384 m Roger Stevens Drive	15.8-ha 62.9 m 604 m Matheson Rd	20.7-ha 266.7 m 780 m Roger Stevens Drive
<b>Water Supply</b> <b>Sewage Disposal</b>	None None	Proposed Proposed	Proposed Proposed
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural		
<b>Zoning Category</b> <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b> <b>-Depth Required (min)</b> <b>-Compliance?</b>	Rural 0.4-ha Yes 46m Yes n/a	Rural 0.4-ha Yes 46m Yes n/a	Rural 0.4-ha Yes 46m Yes n/a

### POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial interests were identified during the review of this application. See comments by RVCA.

Official Plan – The Township of Montague advises that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Township of Montague advises that the proposal meets the requirements outlined in the Township's Zoning By-law.

## EXTERNAL CIRCULATION COMMENTS

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

1. That 5% Cash-in-Lieu of Parkland be paid to the Township of Montague for each new lot created.
2. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
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.
4. That a copy of the reference plan be provided to the Township of Montague
5. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

Conservation Authority – Rideau Valley Conservation Authority

The subject application has been reviewed by the Rideau Valley Conservation Authority, and a site inspection as completed. We have the following comments for the Committee's assistance.

The proposal involved the creation of a new parcel of 15.8 hectares with 20.7 hectares remaining in the retained portion. The proposed lot consists of mixed bush and there is an existing entrance on Matheson Road. There are no natural features such as wetlands or watercourses on the proposed severed lot according to our mapping. This was confirmed through a cursory inspection along Matheson Road. Approximately 1/3 of the retained lands consist of a large unevaluated wetland with a tributary to Rosedale Creek flowing through the wetland. This wetland is not regulated by RVCA. It appears that there is a protection building site located along Roger Stevens Road in an area not included within the wetland boundary (see attached map). A site inspection was also conducted in this area to confirm the wetland boundary. Please note that the written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in way with the existing channel of a watercourse. Any constructed access to the southern section of the retained lands crossing the tributary will require permission from the RVCA.

*The Conservation Authority has no objection to the consent as there is no anticipated impact to the natural heritage features on the severed property. We recommend that any future development on the retained lands be located a minimum 30 metres from the wetland boundary.*

Please advise us on the Committee's decision on the application or any changes in the status of the application.

LGL Health Unit –

Severed lands – Bush land. Rock within 1 foot of surface. Slope and drainage variable.

Adequate. Sandy loan fill will be required in area of leaching bed.

Retained lands – Bush land. Rock within 1 foot of surface in the area. Relatively flat topography.

Adequate. Sandy loan fill will be required in area of leaching bed.

Hydro One Networks – No comments were received.

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

County of Lanark Roads Department – (Retained Lands) Application for entrance from Roger Stevens Road #2155. The site was inspected and an approved entrance could be permitted.

### **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.

Norm and Kathy Porter requested to be notified of the public meeting.

### **MINUTES OF PUBLIC MEETING**

Norm Porter (adjacent landowner) and Jeff Shipman (agent) were present at the public meeting held on Tuesday, July 15, 2008 and gave evidence under oath.

N Porter questioned the use of the small strip of land adjacent 27R5480. *B Strachan advised that this is a lot addition to 27R5480.*

J Shipman advised that the division line between the severed and retained lands is the HEPC Tower lines and that now development would be permitted at the rear of either of the lots.

### **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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. That 5% cash in lieu of parkland be paid to the Township of each new lot created.
3. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

5. That a copy of the reference plan to be provided to the Township of Montague.
6. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
7. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.

**NOTES:**

- *The Rideau Valley Conservation Authority advises that the severed lands and portions of the retained lands are subject to Ontario Regulation 174/06: "Alteration to Waterways Regulation". Written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. Any future development on the retained lands be located a minimum 30 metres from the wetland boundary or watercourse. 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.*
- *The LDL Health Unit advises sandy loan fill will be required in area of leaching bed.*