



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, March 23, 2009 at 9:00 a.m. at the Lanark County Administration Building, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2009-006

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

"THAT, the minutes of the Land Division Committee meeting held on February 23, 2009 be approved as circulated."
ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2009-007

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

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

7. REPORTS

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

7.1.1 **B08/174 – Robert Michael Lavergne**

Part Lot 4 Conc. 8, Township of Beckwith (Tennyson Road)

7.1.2 **B08/176 – Beverly Kirkland**

Part Lot 34 Malloch Section Plan 6262, Town of Almonte, now in the Town of Mississippi Mills (Mitcheson Street)

7.1.3 **B08/177 - 1178351 Ontario Inc.**

Pt Lot 2 & 3 Conc. 2, geographic Township of Bathurst, now in Tay Valley Township (Jordan Cottage Lane)

7.1.4 **B08/181 – James Patrick Havey and Anne Marie Blier**

Pt Lot 27, Conc. 12, geographic Township of Pakenham, now in the Town of Mississippi Mills (Diamond Park Springs)

7.1.5 **B08/182 – Corey and Amanda Porteous**

Pt Lot 5 Conc. 8, geographic Township of Lanark, now in the Township of Lanark Highlands (Pine Grove Road)

7.1.6 **B08/184 – Kyle Wright**

Pt Lot 6 Conc. 12, Township of Beckwith (Rathwell Shore Road)
Request to defer received from solicitor/agent

7.1.7 **B08/188 – Ronald and Diana Coutts**

Pt. Lot 22 Conc. 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley (Port Elmsley Road)

7.1.8 **B09/001& B09/002 – Todd and Brenda Whyte**

Part Lot 13 Conc. 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley (Hwy #43)

- 7.1.9 **B09/003, B09/004, B09/005 and B09/006 – Neilcorp General Contracting**
Pt Lot 17 & 18 Compiled Plan 6262 Town of Almonte, now in the Town of Mississippi Mills (St. James Street)
- 7.1.10 **B09/007, B09/008, B09/009 and B09/010 – John Doraty**
Pt Lot 27 Conc. 5, geographic Township of Drummond, now in the Township of Drummond / North Elmsley (Jericho Road)
- 7.1.11 **B09/011, B09/012 and B09/013 – Marilyn and David Bird**
Part Lot 13 Conc. 1, geographic Township of Drummond, now in the Township of Drummond / North Elmsley (Drummond Con. 1)
- 7.1.12 **B09/014 – Robert and Wanda McCreary**
Pt Lot 22, Conc. A Township of Montague (Rideau River Road)
- 7.2 Applications Previously Heard and Awaiting a Decision
 - 7.2.1 **B08/170 – Dominico & Guiseppina Gallelli**
Pt Lot 19 Conc. 4 Township of Montague (Rosedale Road & Roger Stevens Road)

8. **CONFIDENTIAL REPORTS**

None.

9. **PUBLIC HEARING:**

The meeting recessed at 10:00 a.m. for the purpose of conducting the public hearings in the County Council Chambers. The Land Division Committee made the following decisions at the hearings:

PROVISIONAL CONSENT GRANTED

- 9.1 **B08/174 – Robert Michael Lavergne**
- 9.2 **B08/176 – Beverly Kirkland** – deferred to allow the applicant / agent time to review the application with the Town of Mississippi Mills.
- 9.3 **B08/177 - 1178351 Ontario Inc.**
- 9.4 **B08/181 – James Patrick Havey and Anne Marie Blier**
- 9.5 **B08/182 – Corey and Amanda Porteous**
- 9.6 **B08/188 – Ronald and Diana Coutts**
- 9.7 **B09/001& B09/002 – Todd and Brenda Whyte**

The hearing recessed at 11:25 a.m.
The hearing re-convened at 1:00 p.m.

- 9.8 B09/003, B09/004, B09/005 and B09/006 – Neilcorp General Contracting
- 9.9 B09/007, B09/008, B09/009 and B09/010 – John Doraty
- 9.10 B09/011, B09/012 and B09/013 – Marilyn and David Bird
- 9.11 B09/014 – Robert and Wanda McCreary
- 9.12 B08/170 – Dominico & Guiseppina Gallelli

10. NEW/OTHER BUSINESS

10.1 Proposed Guide to Lot Creation in Prime Agricultural Areas

The proposed Guide is a result of the consultation that took place during the Provincial Policy Statement (PPS) review in 2004. It was noted at that time that additional support materials were required to assist land use planners and municipalities to implement the policies of the PPS

MOTION #LD-2009-008

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

WHEREAS, the Provincial Policy Statement Section 2.3 sets out policies for protecting prime agricultural areas for long-term use for agriculture;

AND WHEREAS the PPS discourages the creation of lot creation in these areas;

AND WHEREAS during the consultation process on the revised Provincial Policy Statement 2004, many municipalities and stakeholders identified a need for additional support materials to assist land use planners and municipalities to implement the policies of the PPS;

AND WHEREAS the Ministry of Agriculture, Food and Rural Affairs have developed a “Guide to Lot Creation in Prime Agricultural Areas” to assist municipalities to implement the lot creation policies of the PPS for prime agricultural areas in their local official plans and comprehensive zoning by-laws;

THEREFORE BE IT RESOLVED THAT, the Lanark County Land Division Committee support the adoption of the “Guide to Lot Creation in Prime Agricultural Areas”;

AND THAT the Policy Advisor of the Ministry of Agriculture, Food and Rural Affairs be advised of the Committee’s support. **ADOPTED**

11. ADJOURNMENT

Next Meeting – April 27, 2009 at 9:00 a.m.

The meeting adjourned at 2:09 p.m.

Mary Kirkham
Secretary-Treasurer

PUBLIC HEARING REPORTS

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Robert Michael Lavergne

Hearing Date: March 23, 2009

Agent:

LDC File #: B08/174

Municipality: Township of Beckwith

Geographic Township: Beckwith

Lot: Pt 4

Concession: 8

Roll No. 0924 000 020 17700

Consent Type:

New Lot

Purpose and Effect:

To sever a 0.41-ha vacant residential building lot and retain a 0.41-ha residential building lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	0.41-ha 33.38 m 115 m Tennyson Road	0.41-ha 45.10 m 118 m Tennyson Road
Water Supply Sewage Disposal	Proposed Proposed	
Official Plan Designation -Conformity?		Rural Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 0.4 ha Yes 45 m No n/a	Rural 0.4 ha Yes 45 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.6 Infrastructure and Public Service Facilities

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

Section 1.6.4 Planning for sewage and water services shall: b) ensure that these systems are provided in a manner that: 1/ can be sustained by the water resources upon which such services rely; 2/ is financially viable and complies with all regulatory requirements; and 3/ protects human health and the natural environment.

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

Section 1.6.5.2 Efficient use shall be made of existing and planned infrastructure.

Official Plan – Section 4 General Development Policies, Section 6 Land Use Policies – Rural Areas, Section 7, Roads, Section 9.6 Subdivision of Land.

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

Zoning By-law - Section 3 General Provisions, Section 11 Rural

The Township of Beckwith advises that the proposal does not meet the required lot frontage of 45 m. Council has requested that zoning by-law amendment 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 of Beckwith – recommends approval of this application subject to the following conditions:

- That a copy of the registered reference plan be provided to the Township of Beckwith
- 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.
- That the retained and severed lots share a common entrance which is approved by the Township of Beckwith Public Works Superintendent.
- That the application obtains a zoning amendment for the severed parcel to reflect the undersized lot frontage.

Conservation Authority – Mississippi Valley Conservation (January 19, 2009)

A cursory review of the above noted application revealed no issues with regard to Mississippi Valley Conservation's plan input and review program. And, the subject lands fall outside of MVC's regulated area. We have therefore screened this application out of our formal review process. (Note: No fee has been charged).

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit (Oct. 9/08)

Severed Lands – 0.41 hectare vacant parcel is wooded with no obvious drainage issues. There is at least 1 foot of sandy soil over rock. Any septic system serving a single family dwelling will need to be raised.

Retained Lands – 0.41 hectare vacant parcel is wooded with no obvious drainage issues. There is at least 1 foot of sandy soil over rock. Any septic system serving a single family dwelling well need to be raised.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 0.41-ha residential building lot and retain a 0.41-ha residential building lot. Access to the lands is via the Tennyson Road a municipally maintained township road.

The subject lands are located in an area characterized by Rural Residential and water orientated Rural Residential on a variety of smaller lots along both the Tennyson Road and Munroe Lane. Due to the extent of development within an area of 60 m (approx. 10 residential dwellings), the Committee may wish to request that the applicant provide evidence of sufficient water quantity and quality. This is in keeping with MOE Guidelines D-1, D-5 and D-5-4.

Soils mapping indicates the lands are Class 6R – Soils in this class are capable only of producing perennial forage crops and improvement practices are not feasible. Subclass R : shallowness to solid bedrock – solid bedrock is less than 3 feet from the surface.

The lands are within 300 m of a Primary Water Source (Mississippi Lake) therefore are subject to possible “Archaeological Potential”.

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 and Official Plan for the Township of Beckwith and could be given favourable consideration.

(d) 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:

January 13, 2009

LANARK COUNTY
PUBLIC WORKS

JAN 16 2009

Re: File #B08/174
Pt. Lot 4 Concession 8
Township of Beckwith
Applicant: Robert Michael Lavergne

FILE _____
Action _____ Info _____
PWCOW _____ Copy _____
BF _____

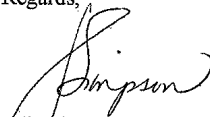
Attention: Mary Kirkham, Planning Approvals Administrator County of Lanark

As per our conversation of January 12, 2009, here are some objections I have towards the severance of said property:

1. This property is on a corner that is not visible when driving east towards Carleton Place from my property situated west at #3050 or from anyone else who resides or travels from any location west of said property. The speed limit is 80 and this allows no time to see the existing house's driveway adjacent to this property, nor would you see this driveway either. This is extremely dangerous.
2. I do not agree with severing off a portion of this property from the cottage property that is on Munro Lane. This leaves 1 relatively square part on which the house resides and then a crazy shaped second piece from Munro Lane to the 9th Line Road. Are we not past making lots of irregular shapes and sizes?
3. I firmly believe that since 1 house was already built and now we have the severance application for a second one, that the last piece "to be retained" will then be further developed. This is creating an extremely dangerous section on the 9th Line.
4. Also, are there not rules and regulations regarding the location and distance between driveways in Beckwith Township?
5. I spoke to a number of my neighbours in the vicinity to this property and they did not receive any notice and have similar objections. Can you please further increase your distribution area as this affects more than just the immediate neighbours.
6. Lastly, this is country property and I feel these lots on such a busy stretch of road (this road is used as a by-pass for highway 7, handles all the traffic of those residing here, is very busy during cottage time (Mississippi Lake), and is used frequently during the summer for bike tours) should be a minimum of 3 acres to provide safety to all travelers.

Could you please forward on to me any comments that Beckwith Township makes.

Regards,


Julie Simpson, CGA
3050 9th Line Road
R.R. #2
Carleton Place, ON
K7C 3P2

(e) MINUTES – March 23, 2009

Rob Lavergne, applicant, attended the hearing and gave evidence under oath. Mr. Lavergne advised that only a garage is located on the property.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
3. That the retained and severed lands shall share a common entrance which shall be approved by the Township of Beckwith Public Works Superintendent. The applicant shall consult directly with the Township of Beckwith in this regard.
4. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for the Township of Beckwith either by way of an amendment to the Zoning By-law or a minor variance.
5. A letter shall be received from the Township of Beckwith stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

1. *All structures shall 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 any septic system serving a single family dwelling on either the severed or retained lands will need to be raised.*
3. *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.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: 1178351 Ontario Inc. **Hearing Date:** March 23, 2009
Agent: J Alan Jordan
LDC File #: B08/177
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 2/3 **Concession:** 2
Roll No. 0911 916 010 07600 **Consent Type:** New Lot

Purpose and Effect:

To sever a 1.22-ha seasonal residential lot and retain a 50.0-ha residential lot with an existing dwelling and camping cottage. Access is via Jordan's Cottage Lane, a private road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Seasonal Residential	Residential / Cottage/Camping
Proposed Use	Same	Same
Area	1.22-ha	50.0-ha
Frontage	65 m (Lake) 94.45 m (rear)	966 m
Depth	121.92 m	1256 m
Road - Access to	Jordan's Cottage Lane	Jordan's Cottage Lane
Water Supply	Lake	Private Well
Sewage Disposal	Septic System	Septic System
Official Plan Designation -Conformity?		Rural Yes
Zoning Category	Tourist Commercial – requires rezoning to RLS	Rural, Tourist Commercial & Seasonal Residential
-Area Required (min.)	0.405-ha	2.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

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, Section 6.3 Tourist Commercial, and Section 10 Rural.

Tay Valley Township advises that the severed lot would need to be re-zoned to Residential Limited Services (RLS) to acknowledge the following zoning issues:

- Access to the proposed lot is by a private road;
- A single dwelling is not a permitted use in the Tourist Commercial (CT) zone;
- The existing water setback of the cottage seems to be less than the required 30 metre minimum water setback.

A Zoning By-law amendment would enable the proposed lot and proposed use to conform to the Zoning By-law.

(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:

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

- Zoning By-law Amendment
- Payment of all taxes owing
- Payment of all costs incurred by the Township for the review process.
- Copy of deed/transfer
- Two copies of the reference plan
- Parkland contribution of \$200.

Conservation Authority – Rideau Valley Conservation (January 23, 2009)

The Rideau Valley Conservation Authority (RVCA) has reviewed this application and conducted a site inspection. We offer the following comments for the Committee assistance.

The application will create a new lot of 1.22 hectares and retain a 55 hectare parcel. The proposed lot has 65 meters of water frontage while the retained lands have 966 metres of frontage. Due to the snow cover it was difficult to assess the shoreline area and calculate the setback of the existing dwelling. There is a 3 metre buffer of native vegetation along the near shore area with limited access to the water. The cottage on the severed lands is located approximately 30 metres from the water. It appears that fill was required, in order to develop the existing property as the surrounding area is low lying. According to our mapping the proposed ROW following an existing lane and there will be no disturbance or impacts to watercourses or wetlands as a result of the ROW.

The RVCA has no objection as there is no anticipated impact to the aquatic environment as a result of this application. We note that the area to the north of the dwelling is low lying and may be hydrologically linked to the lake and may also function as a recharge area. Prior to any further development in the area identified on the map it must be clearly demonstrated that there is no impact to the aquatic environment. Any proposed future development *will be subject to Site Plan approval by the Township*. The applicant should maintain the limited access to the shoreline. Any diseased or dead trees should be replanted as to maintain a healthy shoreline buffer. The Township should be satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law.

Please note that the shoreline of Christie Lake is subject to *Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* made pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.

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

On-Site Services (Septics) – Mississippi-Rideau Septic Office (Aug. 20/08)

A review has been undertaken to ensure that a septic system meeting the minimum requirements established in Part 8 of the Ontario Building Code can be maintained or constructed on both the severed and retained portion of the subject property.

The severed portion of the subject property has an area of approximately 1.22 hectares. The retained portion is proposed to have an area of 50 hectares. There is sufficient space on both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

The severed portion has an existing septic system on the site. The proposed lot to be severed is in a lower area which may experience seasonally high ground water levels. If septic system replacement is required for the severed portion it may require significant amounts of fill material to ensure separation from the high groundwater table.

All new septic systems should be located >30 metres from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements. Provided these design parameters are met the Mississippi-Rideau Septic Office has no objection to this severance as proposed.

We caution that other considerations must also be taken into account, however, in the review of any development application under the Planning Act for this lot including but not limited to Provincial Policy, the municipal Official Plan and Zoning Bylaw, watershed and water quality objectives, lake carrying capacity and fish habitat considerations greater setbacks and lot layout modifications may be required for development to proceed. These matters may be commented on separately and advice provided to the approval authority.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 1.22-ha residential lot with an existing seasonal dwelling and retain a 50 ha landholding with an existing residential dwelling, cottage and campgrounds.

The subject lands are located in an area characterized by seasonal residential development on a variety of small lots to the west and larger landholdings to the east.

The lands are accessed via Jordan's Cottage Lane, which Mr. Jordan has confirmed is an existing private road. Jordan's Cottage Lane connects with Christie Lake North Shore Road, a municipally maintained road.

Christie Lake has undergone numerous water sampling since 1970, including Secchi Disk, Phosphorus, Kjeldahl Nitrogen and Chlorophyll. The Watershed Watch Program has also sampled for invasive species, such as zebra mussel veligers and spiny water flea. No spiny water fleas were found in the sampling taken in 2003; however some zebra mussels were detected at both the deep point and near the marina. The report concluded that "it does not appear that Zebra mussels have become established in the lake so precautions should be taken by all residents, landowners and recreational users of the lake to control the spread from other lakes in the region". The report also advises "that the process of lake aging can be slowed by all users taking a stewardship approach and making sure that they minimize their impact on the lake environment".

The lands are within 300 m of a Primary Water Source (Christie Lake) therefore are subject to possible "Archaeological Potential".

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 and Official Plan for Tay Valley Township and could be given favourable consideration.

(d) 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.

(e) MINUTES – March 23, 2009

Alan Jordan, agent, attended the hearing and gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands together with an 'Easement / R-O-W' over Jordan Cottage Lane 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. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
3. 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.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. The lot to be severed shall be zoned to an appropriate zoning category for the intended use.
8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
9. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #8 has been fulfilled to their satisfaction.
10. A letter shall be received from Tay Valley Township stating that conditions #2 through #7 have been fulfilled to their satisfaction.

NOTES:

1. *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 metres from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements.*
2. *Any proposed future development will be subject to "Site Plan Control".*

3. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
4. *That if during the process of development archaeological 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 Relation.*
5. *Precautions should be taken by all residents, landowners and recreational users of the lake to control the spread of zebra mussels from other lakes in the region.*
6. *All users of the lake should take a stewardship approach and making sure that they minimize their impact on the lake environment.*
7. *The applicant should maintain the limited access to the shoreline. Any diseased or dead trees should be replanted as to maintain a healthy shoreline buffer.*

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3.1.2 Environmental and Natural Heritage Features, Section 3.3 Rural Policies, Section 4 General Policies Section 4.6.4.2 Right-of-way, Section 5.3.11 Consent to Sever Land.

Zoning By-law - Section 6 General Provisions, Section 9 Rural Zone, Section 15 Limited Service Residential Zone

(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 of Mississippi Mills – recommends approval of this application subject to the following conditions:

- That the applicant provide a copy of the registered reference plan to the Town.
- That the applicant provide a digital copy of the registered reference plan in a .DWG file format.
- That the applicant pays any outstanding property taxes on the subject property.
- That the applicant respects all previous easements over the severed lands and registered the easements on title.
- That a right-of-way easement be created and registered in favour of the adjacent property to the satisfaction of the Town.

Conservation Authority – no conservation authority

On-Site Services (Septics) – Leeds Grenville and Lanark Health Unit (Jan 5/09)
Severed Lands – existing right-of-way (road access). Proposed addition to an existing developed residential house services by a Class 4 septic system and private well.
Satisfactory.

Retained Lands – relatively flat scrub land with no soil drainage problem. Clay soil 5 ft deep. Satisfactory.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.5-ha vacant parcel of land which is currently a right-of-way to both adjoining properties and to retain a 6.0-ha vacant landholding.

The subject lands are located in an area characterized by lake orientated development on a variety of lot size on Madawaska Lake.

The lands to be severed is locally known as Diamond Park Springs (road) a private r-o-w that adjoins Head Pond Road North which then links to roads in Arnprior. Head Pond Road is a locally maintained road.

Soils mapping indicates the lands are Class 2D – Soils in this class have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass D: undesirable soil structure and/or low permeability – the soils are difficult to till, absorb water slowly or the depth of the rooting zone is restricted.

The lands are within 300 m of a Primary Water Source (Madawaska Lake) therefore are subject to possible “Archaeological Potential”.

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 and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(d) 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.

(e) MINUTES – March 23, 2009

David Moore, Solicitor / Agent, attended the hearing and gave evidence under oath. Mr. Moore requested that the r-o-w access to others only be required for that portion of the lands to be severed that are located to the rear of Part 1 Plan 27R-1959 and noted that access to the retained lands is via road allowance between Mississippi Mills and the City of Ottawa.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained and Part 1 Plan 26R-1959. The extent of the r-o-w shall be equal to the distance of the rear lot line of Part 1 Plan 26R-1959.
3. The applicant shall provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills with two a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
6. A letter shall be received from the Town of Mississippi Mills stating that conditions #3 to #5 have been fulfilled to their satisfaction.

NOTES:

- *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.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Corey and Amanda Porteous

Hearing Date: March 23, 2009

Agent:

LDC File #: B08/182

Municipality: Lanark Highlands

Geographic Township: Lanark

Lot: 5 Concession: 8

Roll No. 0940 934 025 14800

Consent Type: new lot

Purpose and Effect:

To sever a 1.0-ha residential lot with an existing residential dwelling and to retain a 12.7-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Vacant
Proposed Use	Residential	Residential
Area	1.0-ha	12.7-ha
Frontage	105.53 m	189.46 m
Depth	105 m	346.8 m
Road - Access to	Pine Grove Road #752	Pine Grove Road
Water Supply	Private Well	Proposed
Sewage Disposal	Septic System	Proposed
Official Plan Designation		Rural
-Conformity?		Yes
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 3.6 Rural Area, Section 4.5.2 County Roads, Section 10.11.13 Consents

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

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

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planning Report

PLANNING REPORT
TOWNSHIP OF LANARK HIGHLANDS
SEVERANCE APPLICATIONS PORTEOUS
PART LOT 5 CONCESSION 8
FORMER TOWNSHIP OF LANARK
616 PINEGROVE ROAD

1.0 Review of Proposal and Application

An application has been received from Mr. and Mrs. Porteous for the creation of a new lot. The holding is located at 616 Pinegrove Road and is legally described as Part Lot 5, Concession 8, former Township of Lanark, now in the Township of Lanark Highlands. The property fronts onto County Road 12. The proposal is to create an additional building lot from an existing holding.

The applicant wishes to create a lot with approximately 105 metres (344 feet) of frontage, a depth of 105 metres (344 feet) and an area of 1.1 ha (2.7 acres). The remnant parcel will enjoy approximately 189 metres (620 feet) of road frontage, a depth of 346 metres (1,135 feet) and an area of 2.6 ha (6.5 acres). The proposed severed lot currently has a residential dwelling constructed on site. The proposed retained lot is primarily wooded with a pond and creek transecting the property north to south. Surrounding land uses are residential and rural.

The property is designated Rural, on Schedule 'A 4' of the Township of Lanark Highlands Official Plan. The lands are zoned Rural on Schedule 'A 4' of Zoning By-law 2003-451.

1.1 PROVINCIAL POLICY

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

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

The proposed retained lot when developed will be serviced privately. The Lanark Leeds and Grenville Health Unit will require a permit for private services. Capacity exists for the hauled sewage outside of the Municipality. (Section 1.6.4.1 Provincial Policy Statement 2005)

The property currently has a pond and a creek transecting the lands. These natural features are not designated as significant but development will need to be located 30 metres from the watercourse.

The proposal as submitted is consistent with Provincial Policy.

Official Plan

The Porteous lands are designated Rural. Rural development concepts outlined within the Official Plan discuss a settlement pattern of very low density consisting of residences distributed along the road networks. The intent of the Official Plan is to protect the rural setting and natural resources for their economic value.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage

January 2009

and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposed lot configuration as submitted for both the proposed severed and retained lots has sufficient depth and area to support the proposal and is compatible with abutting land uses.

1.2 ZONING

The lands are zoned Rural. The proposed severed and retained lots will meet the requirements of the rural zone. The new structure will be subject to yard setback requirements at such time as a building permit is submitted.

1.3 DISCUSSION

The application as submitted is consistent with the Provincial Policy Statement and conforms to policies outlined within the Official Plan.

The applicant will be required to review with the County Roads department that the application will meet their requirements for an entrance permit.

The proposal is for a building lot on lands designated rural. The application for severance can be supported and represents appropriate development.

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

- That the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.
- The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
- An acceptable reference plan or legal description of the severed lands and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Planning Approvals Administrator at the County for review and consent endorsement within a period of one year after the Notice of Decisions is given under Section 53(17) or (24) of the Planning Act and that a copy of same be submitted to the Township.

Conservation Authority – Mississippi Valley Conservation (March 18, 2009)

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 subject application is to sever a 1.0-ha residential building with an existing residential dwelling and retain a vacant 12.7-ha landholding.

A review of available mapping shows that a tributary of Campbell's Creek runs through the retained lands. This tributary is also connected to an unclassified wetland located on the retained lands. The presence of the tributary was confirmed during a site visit conducted by MVC staff on March 16, 2009. No natural heritage features were identified on the proposed severed lands.

The proposed severed lands are already developed and no new development is proposed at this time. Concerning the proposed retained lands, sufficient area appears to exist to accommodate future development that complies with the zoning by-law in terms of setback from a watercourse or waterbody. Therefore, MVC does not have any objection to the proposed severance.

The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". In addition, any proposed works in or near the tributary or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit (Feb 18/09)
Severed Lands – gently rolling treed covered land with no soil drainage problem. Sandy loam soil 5 ft. deep. Satisfactory.

Retained Lands – existing residential house serviced by a Class 4 septic system and private well. Sufficient lands are to replace existing system. Sandy loam soil 5 ft. deep. Satisfactory.

Hydro One Networks – No comments were received.

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

County of Lanark Public Works - Nov 3/08

Entrance to retained lands to be in accordance with Entrance Permit Application #2196.

(c) PLANNING REVIEW

The applicant proposes to sever a 1.0-ha residential lot with an existing dwelling and retain a 12.7-ha vacant landholding. The applicant proposes to construct a new dwelling on the retained lands.

The subject lands are located in an area characterized by a mixture of residential lots and larger landholding along Pine Grove Road.

The lands are accessed via Pine Grove Road a County maintained road.

Soils mapping indicates the lands are Class 7PR – Soils in this class have no capability for arable culture or permanent pasture. Subclass P: stoniness - stones interfere with tillage, planting and harvesting. Subclass R: shallowness to solid bedrock – solid bedrock is less than 3 feet from the surface.

The LGL District Health Unit in their report has reversed the locations location of the dwelling, which is located on the severed lands not the retained lands.

The Official Plan indicates that an unclassified wetland is located on a portion of the retained lands. Any future development or site alterations should be setback a minimum of 30 m from the boundary of the wetland.

The Official Plan and Zoning By-law also indicated a Mineral Aggregate Resource (holding) area at the rear of the lands to be retained. The Zoning By-law provides for an influence area of 150 m from the aggregate reserve. There is approximately 500 m between the Aggregate Reserve and Pine Grove Road which allows for sufficient distance from the reserve to establish a building envelope. However the applicant should be cautioned that any future development should be setback a minimum of 150 m from the boundary of the Mineral Aggregate Reserve.

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 and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(d) 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.

(e) MINUTES – March 23, 2009

Amanda Porteous, applicant, attended the hearing and gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
5. The County Public Works Department shall confirm that the existing entrance at 616 Pine Grove Road and the proposed entrance (Permit Application #2196) to the lots to be severed and retained have been installed to the satisfaction of the County.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. A letter shall be received from County Public Works Department stating that condition #5 has been fulfilled to their satisfaction.
8. A letter shall be received from Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.
9. A letter shall be received from the Township of Lanark Highlands stating that conditions #2 to #4 has been fulfilled to their satisfaction.

NOTES:

1. *The applicant is advised that the location of the proposed dwelling on the retained lands will need to conform to the 150 m influence area, in relation to the Mineral Aggregate Reserve located on the adjacent lands, as set out in section 4.32.3 of the Lanark Highlands Zoning By-law.*
2. *The applicant is advised that the location of the proposed dwelling on the retained lands will need to conform to the 30 m water setback, in relation to the unclassified wetland on the property, as set out in section 4.32.6 of the Lanark Highlands Zoning By-law.*

3. *The Mississippi Valley Conservation (MVC) be advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". In addition, any proposed works in or near the tributary or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Ronald & Diana Coutts

Hearing Date: March 23, 2009

Agent:

LDC File #: B08/188

Municipality: Drummond / North Elmsley

Geographic Township: North Elmsley

Lot: 22 **Concession:** 7

Roll No. 0919 908 015 46800

Consent Type: New Lot

Purpose and Effect:

To sever a 0.46-ha vacant residential building lot and retain a 79.26-ha landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant with Sheds same
Area Frontage Depth Road - Access to	0.46-ha 60.91 m 79.2 m Port Elmsley Road	79.26-ha 413.92 m 1611 m Port Elmsley Road
Water Supply Sewage Disposal	Proposed Proposed	None None
Official Plan Designation -Conformity?		Rural Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes n/a	Rural 10-ha Yes 45 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

Official Plan – Section 3 General Provisions, section 3.17 Division of Land, Section 3.18 Influence Areas, Section 4.3 Rural Policies, Section 4.6 Wetland Policies, Section 5.2 County Roads.

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

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

- That the balance of any outstanding taxes shall be paid to the Township.
- 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.

Conservation Authority – Rideau Valley Conservation Authority (Feb 20/09)

The subject application has been reviewed by the Rideau Valley Conservation Authority. We have the following comments for the Committee's consideration.

The application involves a proposal to create a new parcel of 0.46 hectares (vacant) with 79.26- hectares remaining in the retained portion. The proposed lot consists of cleared agricultural land. The application indicates that there are out buildings on the retained property. The proposed severed parcel will require private on-site servicing. A large portion of the retained lands are within and adjacent to the Provincially Significant Wetland know as the Tay Marsh. The proposed lot is not within 120 metres of the wetland and there should be no impact to any natural heritage features, hazards or watercourses as a result of this application.

The Conservation Authority has no objection to the application. Please note that any future development in the regulated area on the retained lands will be 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. A map has been provided of the regulated area. 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.*

Please advise us of the Committees decision respecting this application.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit (Jan 29/09)
Severed Lands – relatively flat pasture land sloping from North to South. No soil drainage problem. Sandy loam soil approximately 3 ft. deep. Additional granular fill will be required in proposed tile bed area.

Retained Lands – relatively flat pasture land with storage sheds located on the property. No soil drainage problem. Sandy loam 5 ft. deep. Satisfactory.

Hydro One Networks – No comments were received.

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

County of Lanark Public Works – Feb 17/09

Entrance permit No. 2000 provides Common – Residential/Commercial Access to the retained land via County Road 18 – Entrance is complete to County Satisfaction. We currently have no application on file for access relating to the severed lands.

An application must be submitted and approved to the severed lot prior to deed endorsement.

Road widening not required.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.46-ha residential building lot and retain a 79.26-ha landholding with existing sheds. The retained lands are primarily use as a 'maple syrup operation' with outbuildings being used for storage. Farm operations, (pasture) is located adjacent to the lands, livestock housing is located in excess of 300 m. No MDS required.

The subject lands are located in an area characterized by Residential Development on a variety of lot sizes along both Rideau Ferry Road and Port Elmsley Road. A Church, Farm Equipment Sales Operation and Farm Produce Sales Facility are located to the immediate west of the proposed lot.

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

Soils inventory indicates the lands to be (in the area of the proposed severances) as Class 2⁴ - Soils in this class have moderate limitations that restrict the range of crops or require moderate conservation practise with a Class 4 stoniness limitation. Subclass F^P – fertility with a stoniness limitation.

The Official Plan also indicates that the Tay Marsh PSW is located on a large portion of retained lands. No development will be permitted on the PSW or within 120 metres of the boundary of the wetlands.

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 and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(d) 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.

(e) MINUTES – March 23, 2009

Diana Coutts, applicant, attended the hearing and gave evidence under oath. Mrs. Coutts advised that the County Roads Department had looked at the site in December, but were unable to provide an entrance report due to weather conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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.
3. 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.
4. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

5. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
6. A letter shall be received from the County of Lanark Public Works Department stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from Rideau Valley Conservation Authority stating that condition #4 has been fulfilled to their satisfaction.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 and #3 have been fulfilled to their satisfaction.

NOTES:

- *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
- *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area of the lot to be severed.*

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

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

1.1.3.7 New Development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Note: The Drummond / North Elmsley Official Plan designates the lands where the proposed lots are to be created as Hamlet which would fall under the Provincial Policies Part V Building Strong Communities. With the identification of the lands as "Hamlet", it is understood that the municipality has determined that the infrastructure and public service facilities which are planned or available are suitable for the development over the long terms and protect public health and safety (Section 1.1.3.9 PPS)

1.6 Infrastructure and Public Service Facilities

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

2.2 Water

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

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.

3.1 Natural Hazards

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.

Official Plan – Section 3 General Provisions, Section 4.2 Hamlet, Section 5 Provincial Highways and County Roads, Section 3.7 Division of Land.

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

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

- That the balance of any outstanding taxes shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The applicant shall construct / upgrade at this/her expense, an extension to Stone Road. This extension shall commence from the existing maintained section of the roadway to the west of the subject lands. The roadway upgrade shall include the Concession line as it abuts the entire length of the proposed severed lands and shall continue to a distance of not less than 45 metres abutting the retained lands and shall include a provision for a turnaround. All road upgrades shall be performed under the direction and to the satisfaction of the Township Roads Superintendent.

Conservation Authority – Rideau Valley Conservation Authority (Feb. 27/09)

The subject application has been reviewed by the Rideau Valley Conservation Authority. We have the following comments for the Committee's assistance.

The proposal involves the creation of two new parcels of 0.987 ha and 1.376 ha with 20 hectares (existing residence) remaining in the retained parcel. From our site inspection it is determined that the proposed lots consist of overgrown agricultural land.

Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a small seasonal watercourse draining a small wetland / waterbody on the retained lands and outlets to the Tay River adjacent to Station Road. This area of the Tay River is classified as Walleye spawning as such is sensitive to any fluctuations in water temperature or turbidity. At the time of our inspection water was flowing into the Tay River.

We have no objection to the severance provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We recommend a 30 metre setback from any future development or disturbance to soil or vegetation cover from the wetland / waterbody area on the retained portion. The sensitivity of the receiving waterbody is noted. The landowner should contact the Conservation Authority prior to any work around the wetland / waterbody.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit

Severed Lot #1 – relatively flat mixture of treed and scrub land with no soil drainage problems. Sandy loam soil 1 foot deep. Additional granular fill will be required in proposed tile bed area.

Severed Lot #2 - relatively flat mixture of treed and scrub land with no soil drainage problems. Sandy loam soil 1 foot deep. Additional granular fill will be required in proposed tile bed area.

Retained lands – existing residential house serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 1 foot deep. Additional granular fill will be required in replacement tile bed area.

Hydro One Networks – No comments were received.

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

County of Lanark Public Works Department - (Feb 17/09)

Applicant has an approved existing entrance to the County Road for the retained lands – Permit No. 1702 – single Residential.

Entrance Permit 1702 provides Single Residential Access to the retained lands via County Road 43 – Entrance is complete to County satisfaction. County of Lanark Access to County Roads Policy only permits access to County roads when access from local municipal roads is not feasible; therefore access to the proposed two severed lots must be gained from local municipal road (Stone Road).

Road Widening is not required.

(c) PLANNING REVIEW

The applicant proposes to sever two (2) new residential building lots (0.987 ha and 1.376 ha) and to retain a 20.0-ha residential lot with an existing seasonal dwelling.

The subject lands are located in an area characterized as a Settlement Area with a variety of lot sizes along Highway #43, Port Elmsley Road and internal Hamlet Roads. The area also has a mixture of residential, commercial and institutional development typical of a “Settlement Area”.

In accordance to County of Lanark Access to County Roads Policy the lands are to be accessed via Stone Road a municipally maintained road.

The retained lands are within 300 m of a Primary Water Source (Tay River), however the proposed lots are in excess of 300 m and are therefore NOT subject to possible “Archaeological Potential”.

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 and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(d) 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.

(e) MINUTES – March 23, 2009

Alan Buker, agent, attended the hearing and gave evidence under oath. Mr. Buker advised that the previous severance had lapsed as he was not aware that the deed had to be transferred within the one-year time frame.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B09/001 - LOT No. 1

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 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.
3. 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.
4. The applicant shall construct / upgrade at this/her expense, an extension to Stone Road. This extension shall commence from the existing maintained section of the roadway to the west of the subject lands. The roadway upgrade shall include the Concession line as it abuts the entire length of the proposed severed lands and shall continue to a distance of not less than 45 metres abutting the retained lands and shall include a provision for a turnaround. All road upgrades shall be performed under the direction and to the satisfaction of the Township of Drummond / North Elmsley Roads Superintendent.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from Rideau Valley Conservation Authority stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES:

1. *The Rideau Valley Conservation Authority advises that no development or disturbance to soil or vegetation cover should occur within 30 metres of the wetland / waterbody area on the retained lands.*

2. *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area and the replacement (when required) tile bed area of the existing septic system.*
3. *The County of Lanark Public Works Department advises that access to the severed lands must be gained from the local municipal road – Stone Road.*

B09/002 - LOT No. 2

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 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.
3. 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.
4. The applicant shall construct / upgrade at this/her expense, an extension to Stone Road. This extension shall commence from the existing maintained section of the roadway to the west of the subject lands. The roadway upgrade shall include the Concession line as it abuts the entire length of the proposed severed lands and shall continue to a distance of not less than 45 metres abutting the retained lands and shall include a provision for a turnaround. All road upgrades shall be performed under the direction and to the satisfaction of the Township of Drummond / North Elmsley Roads Superintendent.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from Rideau Valley Conservation Authority stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES:

1. *The Rideau Valley Conservation Authority advises that no development or disturbance to soil or vegetation cover should occur within 30 metres of the wetland / waterbody area on the retained lands.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area and the replacement (when required) tile bed area of the existing septic system.*
3. *The County of Lanark Public Works Department advises that access to the severed lands must be gained from the local municipal road – Stone Road.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Neilcorp General Contracting **Hearing Date:** March 23, 2009
Agent:
LDC File #: B09/003, B09/004, B09/005 and B09/006
Municipality: Town of Mississippi Mills
Geographic Township: Almonte **Lot:** 17 & 18 **Compiled Plan:** 6262
Roll No. 0931 020 020 04500 **Consent Type:** New Lots (4)

Purpose and Effect:

To sever four (4) lots 319.029 m², 263.245 m², 263.712 m² and 263.712 m²) and retain a 503.706 m² vacant lot, together with an access easement and hydro easement. The intent is to construct a 5-unit townhouse, one each on the four lots being severed and the retained lot.

DETAILS OF PROPOSAL	Land to be Severed				Land to be Retained
	Lot #1	Lot #2	Lot #3	Lot #4	
Existing Use Proposed Use	Vacant residence	Vacant residence	Vacant residence	Vacant residence	Vacant residence
Area	319 m ²	263 m ²	263 m ²	263 m ²	503.706 m ²
Frontage	7.04 m	6.55 m	6.56 m	6.56 m	11.03 m
Depth	40.18 m	40.18 m	40.18 m	40.18 m	40.18 m
Road - Access to	St. James	St. James	St. James	St. James	St. James
Water Supply Sewage Disposal	Municipal Sewer	Municipal Sewer	Municipal Sewer	Municipal Sewer	Municipal Water Sewer System
Official Plan Designation -Conformity?	Residential Yes				
Zoning Category	R-4	R-4	R-4	R-4	Residential 4
-Area Required (min.)	168 m ²	168 m ²	168 m ²	168 m ²	168 m ²
-Compliance?	Yes	Yes	Yes	Yes	Yes
-Frontage Required (min.)	5.5 m	5.5 m	5.5 m	5.5 m	5.5 m
-Compliance?	Yes	Yes	Yes	Yes	Yes
-Depth Required (min.)	n/a	n/a	n/a	n/a	n/a
-Compliance?					

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

Section 1.1.2 Sufficient land shall be made available through intensification and redevelopment and if necessary, designated growth areas to accommodate an appropriate range and of employment opportunities, housing and other lands uses to meet projected needs for a time horizon of up to 20 years.

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

1.4 Housing

Section 1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residential of the regional market area.

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 2 Basis, Section 3.3.6 Severance and Lot Creation, Section 3.6 Residential. 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 Lands.

Zoning By-law - Section 6 General Provisions, Section 12 Residential Type 3 Zone, Section 13, Residential Type 4 Zone.

(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 of Mississippi Mills – recommends approval of this application subject to the following conditions:

- That the applicant provide a copy of the registered reference plan to the Town;
- That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
- That the applicant pay any outstanding property taxes on the subject property;

Conservation Authority – screened out

Almonte Hydro – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever four new lots and retain one lot. The intent is to construct a 5-unit townhouse. Access to the rear of the Townhouses is proposed via land ownership and easements. A Hydro easement runs through the centre of the lots.

The subject lands are located in within a Residential area of Almonte and is classified as infilling. All lots are to be accessed from St. James Street, a municipally maintained street.

All units will be serviced by municipal water and municipal sewage disposal.

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 and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(d) 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.

(e) MINUTES – March 23, 2009

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B09/003 - Lot #1

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 deed of land required by condition #1 above shall recognize a Hydro easement over Part 16 and an access easement over parts 6, 17, 18, 19, 20 and 21 Plan 27R-9438.
3. That the applicant provide a copy of the registered reference plan to the Town of Mississippi Mills;
4. That the applicant provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills;

5. That the applicant pay any outstanding property taxes on the subject property to the Town of Mississippi Mills;
6. A letter shall be received from the Town of Mississippi Mills stating that conditions #3 to #5 have been fulfilled to their satisfaction.

B09/004 - Lot #2

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 deed of land required by condition #1 above shall recognize a Hydro easement over Part 15 and an access easement over parts 6, 17, 18, 19 and 20 Plan 27R-9438.
3. That the applicant provide a copy of the registered reference plan to the Town of Mississippi Mills;
4. That the applicant provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills;
5. That the applicant pay any outstanding property taxes on the subject property to the Town of Mississippi Mills;
6. A letter shall be received from the Town of Mississippi Mills stating that conditions #3 to #4 have been fulfilled to their satisfaction.

B09/005 - Lot #3

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 deed of land required by condition #1 above shall recognize a Hydro easement over Part 14 and an access easement over parts 6, 17, 18 and 19 Plan 27R-9438.
3. That the applicant provide a copy of the registered reference plan to the Town of Mississippi Mills;
4. That the applicant provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills;
5. That the applicant pay any outstanding property taxes on the subject property to the Town of Mississippi Mills;

6. A letter shall be received from the Town of Mississippi Mills stating that conditions #3 to #5 have been fulfilled to their satisfaction.

B09/006 - Lot #4

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 deed of land required by condition #1 above shall recognize a Hydro easement over Part 13 and an access easement over parts 6, 17 and 18. Plan 27R-9438.
3. That the applicant provide a copy of the registered reference plan to the Town of Mississippi Mills;
4. That the applicant provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills;
5. That the applicant pay any outstanding property taxes on the subject property to the Town of Mississippi Mills;
6. A letter shall be received from the Town of Mississippi Mills stating that conditions #3 to #5 have been fulfilled to their satisfaction.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: John Doraty

Hearing Date: March 23, 2009

Agent:

LDC File #: B09/007, B09/008, B09/009 and B09/010

Municipality: Township of Drummond / North Elmsley

Geographic Township: Drummond

Lot: 27 Concession: 5

Roll No. 0919 919 015 16600
&

Consent Type: Three (3) New Lots
1 lot addition.

Purpose and Effect:

To sever three (3) new residential building lots and a lot addition to lands owned by John Doraty and Linda Stowe (Part 1 Plan 27R-2421) and retain a vacant landholding (Part 2 Plan 27R2421)

DETAILS OF PROPOSAL	Land to be Severed				Land to be Retained
	Lot #1	Lot #2	Lot #3	Lot #4	
Existing Use	Vacant	Vacant	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential	Access	Residential
Area	1.04-ha	1.04-ha	1.04-ha	0.89-ha	17.88-ha
Frontage	52.32 m	52.32 m	52.32 m	45.7 m	1240 m
Depth	194 m	194 m	194 m	194 m	194 m
Road - Access to	Jericho	Jericho	Jericho	Jericho	Jericho Road
Water Supply	Proposed	Proposed	Proposed	n/a	Proposed
Sewage Disposal	Proposed	Proposed	Proposed	n/a	Proposed
Official Plan Designation -Conformity?	Rural Yes				
Zoning Category	Rural	Rural	Rural	Rural	Ru & Wetland
-Area Required (min.)	0.4-ha	0.4-ha	0.4-ha	n/a	0.4-ha
-Compliance?	Yes	Yes	Yes		Yes
-Frontage Required (min.)	45 m	45 m	45 m		45 m
-Compliance?	Yes	Yes	Yes		Yes
-Depth Required (min.)	n/a	n/a	n/a		n/a
-Compliance?					

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.5 Mineral Aggregate Resources

Section 2.5.1 Mineral aggregate resources shall be protects for long-term use.

Section 2.5.2.5 In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if a) resource use would not be feasible; or b) the proposed land use or development serves a greater long-term public interest; and c) issues of public health, public safety and environmental impact are addressed.

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.18 Influence Areas, Section 3.7 Division of Land, Section 4.3 Rural, Section 4.6, Wetlands, Section 4.7 Aggregate Resource, Section 5.3 Local Roads.

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

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone, Section 22 Aggregate Reserve Zone, Section 24 Wetland Zone,

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

(b) AGENCY REVIEW

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

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

- That the balance of any outstanding taxes shall be paid to the Township.
- The Applicant shall provide the township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 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. The applicant shall consult directly with the Township Roads Superintendent in this regard.

Conservation Authority – Mississippi Valley Conservation Authority

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 subject applications is to sever three 1.04-hectare residential building lots and a fourth as a lot addition. The proposed retained land is 21.89 hectares in size. The subject property is vacant.

A review of available GIS mapping revealed unclassified wetland on the proposed retained land. The portion of this wetland located in the south east corner is also depicted on the Soil Survey of Canada mapping where it has been classified as Muck, i.e. organic soil. This wetland is contiguous with the Black Creek Wetland which has been classified by the Ministry of Natural Resources as a Provincially Significant Wetland; however, the portion located on the subject lands has not been classified as PSW and is located beyond the 120 metre adjacent lands to the PSW. In addition, as observed during a site visit conducted by MVC staff on March 19, 2009, the front sections of the proposed severances B09/007 & 008 consist of low wetland areas that may also comprise organic soils. No other natural heritage or natural hazard features were identified on the subject property.

Provided that future development occurs outside of areas containing organic soils, MVC has no objection to the proposed severances.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit

Severed Lot #1 – 175' x 636.88' parcel of wooded lands. Cedar trees indicate a possible high water table. No existing buildings. Additional sandy loam fill will be required in area of future tile bed.

Severed Lot #2 – 175' x 636.88' parcel of wood lands. There is no existing buildings. Additional sandy loam fill will be required in area of future tile bed.

Severed Lot #3 – 175' x 636.88' parcel of vacant land. Land slopes to the north direction. Additional sandy loam fill will be required in area of future tile bed.

Severed Lot #4 – is an addition to an existing parcel to provide a right-of-way.

Retained Lands – 57.12 acre parcel of vacant wooded land with variable slope and drainage. Additional sandy loam fill will be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever three (3) residential building lots, a lot addition to lands to the rear and retain a large landholding.

The subject lands are located in an area characterized by limited rural residential, mixed with large vacant landholdings.

The lands are accessed via Jericho Road a municipally maintained road which 'dead-ends' a short distance south of the proposed lot addition. Concerns have been raised as to the condition of Jericho, which have been forwarded to the local municipality.

Soils inventory indicates the lands to be (in the area of the proposed severances) as Organic Soils. Soils in this class have not been placed in a capability class. The retained lands are within Class 6.

The Official Plan also indicates that the southern portions of the lands to be retained are within a Wetland area. No development is permitted in within the influence area of this wetland (120 m from the boundary). As well, an 'aggregate reserve' area is located to the west of the proposed lots. The 300 m influence area from the boundary of the Aggregate Reserve, falls approximately 25 m short of the rear boundary of the proposed lots.

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 and Official Plan for the Town of Drummond/ North Elmsley and could be given favourable consideration.

(d) 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, were received as follows:

Dorothy Lewis and James Lewis – March 3, 2009.

This recommendation is not against the lots listed, but against Jericho road. When the lots were severed on the Beckwith side of Jericho Road, there was nothing done to the road in order to straighten it. Our land runs to the 6th Line of Drummond. My mother, Dorothy Lewis and myself James Lewis, feel that before these lots are severed off the Drummond side,

that the road should be straightened and put at the proper road allowance width. The lot corner pin or stake at Jericho Road and the 6th Line was in the road bed. Proper position of the road should be reviewed before lots are severed. I have already spoken to Carl Scissons at the township about this issue and he was to investigate.

Please notify us when a public meeting has been scheduled and notify us of the decision of the Lanark Division Committee.

(e) MINUTES – March 23, 2009

John Doraty, applicant and Jim Lewis, adjacent landowners attended the hearing and gave evidence under oath.

Mr. Lewis advised that he was not objecting to the severance, but only wished to ensure that the road was located properly.

Mr. Doraty advised that the preliminary survey indicates that Jericho Road weaves well into Drummond Township.

The Committee suggested that both gentlemen contact both municipal Road Superintends as early as possible to have them determine to location of the allowance.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B09/007 - LOT #1

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. 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.

4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lots to be severed to meet the municipality's road widening requirements. 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 should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in area of future tile bed for both the severed and retained lands.*
2. *The Mississippi Valley Conservation Authority advises that no development should occur on the low wetland area on the eastern portion of the lot to be severed.*
3. *No development shall be permitted within the influence area of the wetland on the retained land in accordance with Section 3.19 of the Township of Drummond / North Elmsley Official Plan.*

B09/008 - LOT #2

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. 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.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lots to be severed to meet the municipality's road widening requirements. 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 should be consulted prior to commencing a survey to determine the amount of road widening required.

5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in area of future tile bed for both the severed and retained lands.*
2. *The Mississippi Valley Conservation Authority advises that no development should occur on the low wetland area on the eastern portion of the lot to be severed.*
3. *No development shall be permitted within the influence area of the wetland on the retained land in accordance with Section 3.19 of the Township of Drummond / North Elmsley Official Plan.*

B09/009 - LOT #3

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. 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.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lots to be severed to meet the municipality's road widening requirements. 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 should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in area of future tile bed for both the severed and retained lands.*
2. *The Mississippi Valley Conservation Authority advises that no development should occur on the low wetland area on the eastern portion of the lot to be severed.*
3. *No development shall be permitted within the influence area of the wetland on the retained land in accordance with Section 3.19 of the Township of Drummond / North Elmsley Official Plan.*
4. *The Township of Drummond / North Elmsley Official Plan Section 3.7.2.5 provides that up to three lots may be granted for an original parcel of land as it existed on January 1, 1979. The Land Division Committee will not entertain any further consent on the retained lands.*

B09/010 - LOT #4

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. 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.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lots to be severed to meet the municipality's road widening requirements. 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 should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 to #4 have been fulfilled to their satisfaction.

8. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by John A Doraty and Linda Stowe described as Part 1, Reference Plan 27R-2421, 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.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in area of future tile bed for both the severed and retained lands.*
2. *The Mississippi Valley Conservation Authority advises that no development should occur on the low wetland area on the eastern portion of the lot to be severed.*
3. *No development shall be permitted within the influence area of the wetland on the retained land in accordance with Section 3.19 of the Township of Drummond / North Elmsley Official Plan.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Marilyn & David Bird

Hearing Date: March 23, 2009

Agent: William Webster

LDC File #: B09/011, B09/012 and B09/013

Municipality: Township of Drummond / North Elmsley

Geographic Township: Drummond

Lot: 13 **Concession:** 1

Roll No. 0919 919 010 04900

Consent Type: three (3) New Lots

Purpose and Effect:

To sever three (3) new residential building lots (0.5-ha each) and retain a 40.0-ha residential landholding.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	Lot #1	Lot #2	Lot #3	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Residential Residential
Area	0.5-ha	0.5-ha	0.5-ha	40.0-ha
Frontage	50 m	50 m	50 m	150 m
Depth	100 m	100 m	100 m	1375 m
Road - Access to	Conc. 1	Conc. 1	Conc. 1	Conc. 1
Water Supply	Proposed	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	Proposed	Septic System
Official Plan Designation -Conformity?	Rural Yes			
Zoning Category	Rural	Rural	Rural	Rural
-Area Required (min.)	0.4-ha	0.4-ha	0.4-ha	10.0-ha
-Compliance?	Yes	Yes	Yes	Yes
-Frontage Required (min.)	45 m	45 m	45 m	45 m
-Compliance?	Yes	Yes	Yes	Yes
-Depth Required (min.)	n/a	n/a	n/a	n/a
-Compliance?				

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 3 General Provisions, Section 3.18 Influence Areas, Section 3.7 Division of Land, Section 4.3 Rural, Section 4.6, Wetlands, Section 4.7 Aggregate Resource, Section 5.3 Local Roads.

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

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone, Section 22 Aggregate Reserve Zone, Section 24 Wetland Zone.

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

(b) AGENCY REVIEW

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

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

- That the balance of any outstanding taxes shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 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. The applicant shall consult with the Township Roads Superintendent in this regard.

Conservation Authority – Rideau Valley Conservation Authority (Feb 27/09)

The subject application has been reviewed by the Rideau Valley Conservation Authority. We have the following comments for the Committee's assistance.

The proposal involved the creation of three new parcels of 0.5 ha with 40 hectares (existing residence) remaining in the retained parcel. From our site inspection it is determined that the proposed lots are located on abandon pasture land / agricultural lands.

Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a small seasonal watercourse on the retained portion (verified on site at County Road 10). This watercourse is not classified as a municipal drain. We note that water from the property flows north across County Road 10 and then again at Lot 9. It then becomes a municipal drain and sampling indicated that predator type fish (pike, young of the year) are present.

We have no objection to the severance provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We recommend a 30 metre setback for any future development or disturbance to soil or vegetation cover from the watercourse.

The landowner should contact the Conservation Authority prior to any maintenance of the drain / watercourse. Works including widening, deepening, altering, straightening, changing, diverting or interference requires approval of the Conservation Authority. The effects of the works on the control of flooding, erosion, pollution, impacts to downstream fish habitat as well as the overall conservation of land shall be considered in the review of these types of application.

Trusting this is satisfactory and thank you for the opportunity to comment.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit

Severed Lot #1 – relatively flat mixture of treed and scrub-land with no soil drainage problem. Sandy loam soil approximately 18 inches deep. Addition granular fill required in proposed tile bed area.

Severed Lot #2 – relatively flat mixture of treed and scrub-land with no soil drainage problem. Sandy loam soil approximately 18 inches deep. Addition granular fill required in proposed tile bed area.

Severed Lot #3 – relatively flat scrub land with no soil drainage problem. Sandy loam soil approximately 18 inches deep. Addition granular fill required in proposed tile bed area.

Retained lands – existing residential house serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil approximately 18 inches deep. Addition granular fill required in replacement tile bad area.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever three (3) 0.5-ha residential building lots and retain a 40.0-ha landholding with an existing residential dwelling.

The subject lands are located in an area characterized by residential to the west and south on a variety of lot sizes. Large residential landholdings are located to the east. Fellingner's Mills, a residential subdivision containing 50+ lots is located approximately 600 m to the west.

The following has been extracted from the Fellingner's Mill (South Phase) Subdivision Decision:

Well owners should be aware that conventional treatment systems may become necessary to address the aesthetic water quality problems expected from the local groundwater source which may include incrustation, taste, colour and odour. Treatment by water softeners will increase sodium content and persons on sodium restricted diets should use a separate water supply and consult their physician.

The lands are accessed via Drummond Con. 1, a municipally maintained road.

Soils inventory indicates the lands to be (in the area of the proposed severances) as 6^P. Soils in this class are capable only of producing perennial forage crops, and improvement practices are not feasible. Subclass P indicates stoniness. The northern section of the lands to be retained is Class 2 with a Municipal Drain.

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 and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(d) 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.

(e) MINUTES – March 23, 2009

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B09/011 - Lot #1

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 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.
3. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements. 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 should be consulted prior to commencing a survey to determine the amount of road widening required.

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. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from Rideau Valley Conservation Authority stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area and in the replacement (when required) tile bed area.*
2. *The Rideau Valley Conservation Authority advises that the Conservation Authority should be notified prior to any maintenance of the drain / watercourse on the retained lands. Works including widening, deepening, altering, straightening, changing, diverting or interference requires approval of the Conservation Authority. The effects of the works on the control of flooding, erosion, pollution, impacts to downstream fish habitat as well as the overall conservation of land shall be considered in the review of these types of application.*
3. *The Land Division Committee advises that well owners located in Fellingner's Mills Subdivision (located to the west of the lot to be severed) have been made aware that conventional treatment systems may become necessary to address the aesthetic water quality problems expected from the local groundwater source which may include incrustation, taste, colour and odour. Treatment by water softeners will increase sodium content and persons on sodium restricted diets should use a separate water supply and consult their physician. While no study has been undertaken on these lands, wells in this area may 'tap' into the same groundwater source and therefore be susceptible to the same aesthetic water quality problems.*

B09/012 - Lot #2

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 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.
3. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements. 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 should be consulted prior to commencing a survey to determine the amount of road widening required.
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. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from Rideau Valley Conservation Authority stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area and in the replacement (when required) tile bed area.*
2. *The Rideau Valley Conservation Authority advises that the Conservation Authority should be notified prior to any maintenance of the drain / watercourse on the retained lands. Works including widening, deepening, altering, straightening, changing, diverting or interference requires approval of the Conservation Authority. The effects of the works on the control of flooding, erosion, pollution, impacts to downstream fish habitat as well as the overall conservation of land shall be considered in the review of these types of application.*
3. *The Land Division Committee advises that well owners located in Fellingner's Mills Subdivision (located to the west of the lot to be severed) have been made aware that conventional treatment systems may become necessary to address the aesthetic water quality problems expected from the local groundwater source which may include incrustation, taste, colour and odour. Treatment by water softeners will increase sodium content and persons on sodium restricted diets should use a separate water supply and consult their physician. While no study has been undertaken on these lands, wells in this area may 'tap' into the same groundwater source and therefore be susceptible to the same aesthetic water quality problems.*

B09/013 - Lot #3

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 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.
3. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements. 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 should be consulted prior to commencing a survey to determine the amount of road widening required.
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. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from Rideau Valley Conservation Authority stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area and in the replacement (when required) tile bed area.*
2. *The Rideau Valley Conservation Authority advises that the Conservation Authority should be notified prior to any maintenance of the drain / watercourse on the retained lands. Works including widening, deepening, altering, straightening, changing, diverting or interference requires approval of the Conservation Authority. The effects of the works on the control of flooding, erosion, pollution, impacts to downstream fish habitat as well as the overall conservation of land shall be considered in the review of these types of application.*
3. *The Land Division Committee advises that well owners located in Fellingner's Mills Subdivision (located to the west of the lot to be severed) have been made aware*

that conventional treatment systems may become necessary to address the aesthetic water quality problems expected from the local groundwater source which may include incrustation, taste, colour and odour. Treatment by water softeners will increase sodium content and persons on sodium restricted diets should use a separate water supply and consult their physician. While no study has been undertaken on these lands, wells in this area may 'tap' into the same groundwater source and therefore be susceptible to the same aesthetic water quality problems.

4. *The Township of Drummond / North Elmsley Official Plan Section 3.7.2.5 provides that up to three lots may be granted for an original parcel of land as it existed on January 1, 1979. The Land Division Committee will not entertain any further consents on the retained lands.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Robert and Wanda McCreary **Hearing Date:** March 23, 2009
Agent:
LDC File #: B09/014
Municipality: Montague
Geographic Township: Montague **Lot:** 22 **Concession:** A
Roll No. 0801 000 020 10000 **Consent Type:** Lot Addition

Purpose and Effect:

To sever a 5.37-ha vacant lot as a lot addition to lands owned by Christopher and Sandra Walker (at 1375 Rideau River Road) and retain a 24.03-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Lot Addition	Vacant
Area	5.37-ha	24.03-ha
Frontage	139.6 m	1027.18 m
Depth	217.93 m	283.96 m
Road - Access to	Rideau River Road	Rideau River Road
Water Supply	n/a	None
Sewage Disposal	n/a	none
Official Plan Designation -Conformity?		Rural Yes
Zoning Category	Rural	Rural
-Area Required (min.)	n/a – lot addition	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		46 m
-Compliance?		Yes
-Depth Required (min.)		n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

2.1 Natural Heritage

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

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Rideau Canal Management Plan -

Development along the Rideau Canal Historic Site is guided by the Rideau Canal Management Plan. The purpose of the management plan is to ensure the commemorative integrity of the national historic site, guide appropriate public use, ensure the application of cultural resource management principles and practices is decision-making and conserve the natural values of the Canal.

Section 6.0 Waterfront Land Use and Development sets out the guiding principles for development along the waterway. Parks Canada will work with municipalities and stakeholders to encourage shore-land property owners to follow the environmental design guidelines in publications such as “On the Living Edge”, and other publications dealing with environmentally sensitive development.

Although the lands are located in proximity of the Rideau Canal, the Rideau Waterway Development Review Team, comprised of members from Parks Canada – Rideau Canal, Rideau Valley Conservation Authority and Cataraqui Region Conservation Authority have not reviewed the application as the lands are in excess of 690 m of the water's edge and does not propose any 'new' development.

Official Plan – Section 4 General Development Policies, Section 5 Rural Lands, Section 8 Residential, Section 12 Road Proposals.

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 5 General Residential Zone, and Section 18 Rural Zone.

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

(b) AGENCY REVIEW

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

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

- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That a copy of the reference plan to be provided to the Township of Montague.

Conservation Authority – Rideau Valley Conservation Authority (Feb. 27/09)

The application involves a lot addition of 5.37 hectares to an existing lot at 1375 Rideau River Road. There is 24 hectares remaining in the retained portion. The lot addition consists of cleared agricultural land.

There is a seasonal watercourse that flows through the retained lands and eventually into the Rideau River (Fish Habitat). Please note that the watercourse is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The RVCA recommends a minimum 30 metre development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land.

We have no objection to the application provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the application. Please advise us on the committee's decision on the application or any changes in the status of the application.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit

In regards to the severance application, this is to advise that this office has no objection to it being approved by the Committee.

This approval is based on a statement made by the applicant, Mr. Robert McCreary, that there would be no sewage disposal systems installed in either the Severed or Retained parcels of land.

(c) PLANNING REVIEW

The applicant proposes to sever a 5.37-ha vacant parcel of land as a lot addition to lands owned by Christopher Robert and Sandra Gail Walker (Pt Lot 27 Conc. A Montague being part 1 on Reference Plan 27R-3223 and Part 3 on Reference Plan 27R-6698) and retain a 24.03 vacant landholding. The lot addition will enhance the very small existing lot.

The subject lands are located in an area characterized by Residential on a variety of lot sizes along Rideau River Road.

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

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 and Official Plan for the Township of Montague and could be given favourable consideration.

(d) 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:

Kami Cullen (March 3, 2009)

I am writing to request notification of any meetings / decisions being held regarding the purchase of Pt Lot 22 Concession A, Township of Montague.

I have lived on the school house property for 6 ½ years and have owned it for the last 3 years.

As the people who wish to purchase the land directly behind me have given me some problems since they moved in just a year ago. I am concerned over what they want the property for.

(NOTE: the Secretary advised Ms. Cullen that the purpose was a lot addition to increase the Walker's property, which is a very small lot- approx. 30 m x 30 m)

(e) MINUTES – March 23, 2009

Robert McCreary, applicant, Chris Walker, purchaser and Kami Cullen, adjacent landowner attended the hearing and gave evidence under oath.

Mr. Walker advised that he had no plans for the property other than to increase the size of his lot.

Ms. Cullen advised that she was only concerned with the future use of the lands.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
3. 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.
4. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
5. A letter shall be received from Rideau Valley Conservation Authority stating that condition #4 has been fulfilled to their satisfaction.
6. A letter shall be received from the Township of Montague stating that condition #2 and #3 have has been fulfilled to their satisfaction.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Christopher Robert and Sandra Gail Walker described as Part 1 RP27R-3223 and Part 3 RP27R-6698, 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.

NOTES:

1. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with*

Wetlands and Alterations to Shorelines and Watercourses” (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.

2. *The Rideau Valley Conservation Authority advises that no development should occur within 30 metres of the watercourse on the retained lands.*
3. *The Leeds Grenville and Lanark District Health Unit advises that there is no septic system proposed for either the severed land or the retained lands. Should such a system be proposed the landowner will be required to submit a full septic system permit application to the Health Unit as required in Part 8 of the Ontario Building Code.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Domenico & Guiseppina Gallelli **Hearing Date:** February 23, 2009
Re-convened Hearing Date: March 23, 2009

Agent: Paul A Jansen

LDC File #: B08/170

Municipality: Montague

Geographic Township: Montague **Lot:** 19 **Concession:** 4

Roll No. 0901 000 020 35600 **Consent Type:** New Lot

Purpose and Effect:

To sever a 0.26-ha commercial landholding and retain a 0.38-ha residential lot with and existing residential dwelling. #6435 Roger Stevens Drive

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Commercial Commercial	Commercial / Residential Same
Area Frontage Depth Road - Access to	0.26-ha 46.4 m 83.52 m Roger Stevens Road and Rosedale Road	0.38-ha 50.6 m 87.4 m Rosedale Road
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?		Rural Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Highway Commercial 0.279-ha No 45.7 m Yes n/a	Highway Commercial 0.298-ha Yes 45.7 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.3 Employment Areas

Section 1.3.1 Planning authorities shall promote economic development and competitiveness by (b) providing opportunities for a diversified economic base, including a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses and take into account the needs of existing and future businesses.

1.6 Infrastructure and Public Service Facilities

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

Section 1.6.5.2 Efficient use shall be made of existing and planned infrastructure.

Official Plan – Section 4 – General Development Policies, Section 5 – Rural Land Policies, Section 12 Road Proposals, Section 4.5 Consents.

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

Zoning By-law – Section 3 – General Provisions, Section 10 – Highway Commercial

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

1. An automobile service station would not be a permitted use on the proposed severed lot since the zoning bylaw in Section 10(2)(A)(ii) requires a minimum area of 30,000 sq.ft.
2. The size of the proposed severed lot would not allow an accessory dwelling unit, since the total lot area would have to be a minimum of 10,000 sq.ft. for the principle use plus 22,000 sq.ft. for the accessory dwelling unit.

(b) AGENCY REVIEW

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

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

- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That a copy of the reference plan to be provided to the Township of Montague.

Conservation Authority – Rideau Valley Conservation Authority – Jan 23, 2009

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 involves the creation of a new parcel of 0.26 hectares (27,986 sq.ft) with 0.38 hectares (40,990 sq.ft.) remaining in the retained parcel. There is an existing dwelling on the retained parcel and the proposed severed lot is vacant. No floodplain mapping is available for this section of Rosedale Creek. A fish habitat assessment conducted by RVCA, indicates that Rosedale Creek, provides habitat for a variety of fish species

including creek chub, white sucker and rock bass. The property is Zoned Highway Commercial. Rosedale Creek flows through the subject property along the western lot line. There is a ridge (limit of filled area) that bisects the middle of the property. We understand in discussion with the Township and in accordance with the Municipal planning documents that the retained parcel requires 32,000 sq.ft (due to accessory residential use) and the minimum lot size required for Highway Commercial Zone is 10,000 sq.ft. It appears the application satisfies these requirements.

Our assessment indicates that the area extending from the bank of the creek to the filled area or ridge is considered floodplain, although there is no official regulatory mapping for this area. We have photographs of the area shortly after peak runoff in April 2008. This area may be considered fish habitat during certain times of the year. The area available for development outside the floodplain satisfies the size requirements as stated above (see mapping).

The Conservation Authority is prepared to accept the approval of the proposed by the Committee provided that there is no further infilling towards the creek on both the retained and severed portions. Any fill in this area may result in localized flow alterations and increased erosion downstream. A 30 metre setback development setback from the normal highwater mark of the Creek should also be required. The Township should be satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law.

Please note that Rosedale Creek is subject to Ontario Regulation 174/06 (made pursuant to the Conservation Authorities Act) as administered by the Conservation Authority in consideration of the Authority's Development Policies for the "Construction of Buildings / Structures, Placing of Fill and Alteration of Waterways".

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit

Note: the LGL Health Unit expressed concerns in June 2008 about the ability of the proposed severed lot to accommodate a commercial development and Class 4 septic system.

The applicant was requested to identify the location of the proposed commercial building, well, septic system and sewage flows. The report was submitted as follows:



Schedule 8

Do not Complete
Permit No
Revision No
Date rec'd Nov 26/91 am

COMMERCIAL SEWAGE DESIGN FLOW CALCULATION

As per O.B.C. 6.2.1.3.B.

File: 090839

ESTABLISHMENTS		VOLUME (LITRES)
Proposed Retail Outlet accessory to a permitted CH use or a Vehicle agency		
a) Per 1.0 square metres of floor area, or		5
b) Per water closet		1230
Total Floor Area Single Storey m ²		
237	x	5
		1185
Expected Two Washrooms - One Men's and One Women's		
Up to one water closet in each washroom		
2	x	1230
		2460

SEPTIC BED SIZING:

$2460 \times 6/200 = 73.8$ metres

Proposed 6 runs 12.5 metres = 75 metres

Total Daily Sewage Design Flow = 2460 litres/day

Note: Sump pumps and floor drains are not to be connected to the sewage system. Connection of such fixtures to a sewage system may lead to a hydraulic failure of the said system. The above mentioned fixtures should be discharged separately to an approved Class 2 (leaching pit) sewage system.

Where laundry waste is not more than 20% of the total daily design sanitary sewage flow, it may discharge to a sewage system (Part 8, OBC, 6.1.3.1(2)).

Signature of Owner / Agent: *Dean Tolson*

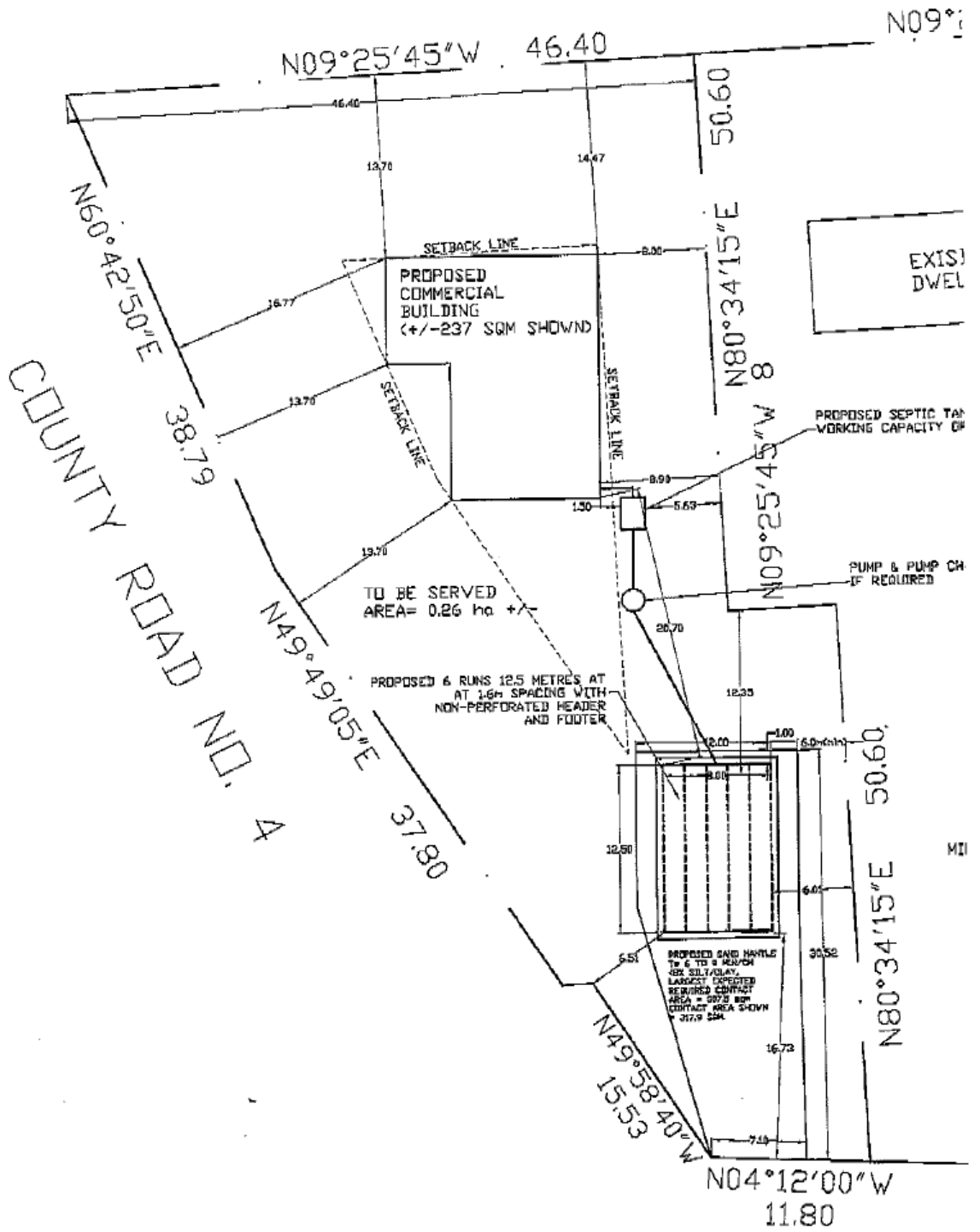
Date: *Nov 6/91*

Kollaard Associates
Engineers

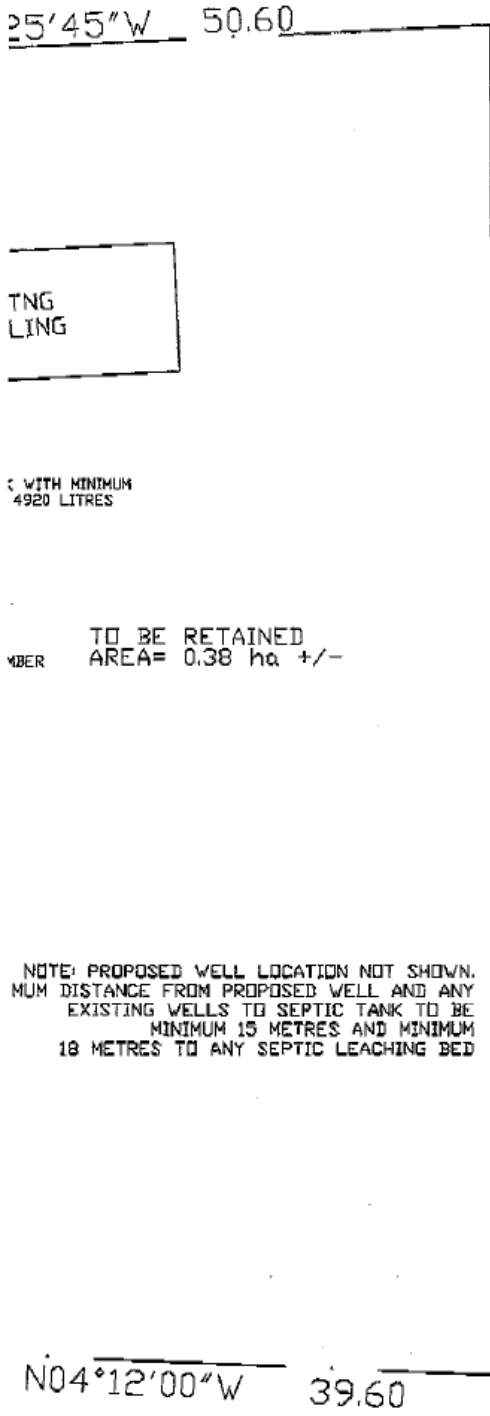
Professional Engineers
Ontario

Authorized by the Association of Professional Engineers Ontario to offer
Professional Engineering Services

COUNTY ROAD NO. 2.



3



TNG
LING

WITH MINIMUM
4920 LITRES

TO BE RETAINED
AREA= 0.38 ha +/-

NOTE: PROPOSED WELL LOCATION NOT SHOWN.
MINIMUM DISTANCE FROM PROPOSED WELL AND ANY
EXISTING WELLS TO SEPTIC TANK TO BE
MINIMUM 15 METRES AND MINIMUM
18 METRES TO ANY SEPTIC LEACHING BED

N04°12'00"W 39.60

DRAWING NUMBER:
080839

- CONSTRUCTION NOTES:
1. ALL DIMENSION ARE IN METERS
 2. EXISTING DWELLING WAS PLACED AND SCALED ACCORDING TO THE INFORMATION PROVIDED.
 3. ZONING SETBACK REQUIREMENTS SHOWN
FRONT YARD SETBACK: 13.7 METRES
EXTERIOR SIDE YARD SETBACK: 13.7 METRES
INTERIOR SIDE YARD SETBACK: 7.6 METRES
REAR YARD SETBACK: 7.6 METRES
 4. LOT AREA 2652 sqm (28654 sqf)
 5. SEPTIC SYSTEM SIZING IS BASED ON A HIGHWAY COMMERCIAL USE PERMITTED ON PROPERTY EXCLUDING A GAS STATION OR RESTAURANT. PROPERTY INDICATED TO LIKELY BE USED FOR A RETAIL, OUTLET OR A VEHICLE AGENCY.

REV.	NAME	DATE	DESCRIPTION
1.	DT	Nov. 6/08	CONVENTIONAL SEPTIC BED SHOWN

K Kollaard Associates
Engineers
P.O. BOX 189, 215 SANDERS ST (613) 860-0923
KENNEDYVILLE ONTARIO info@kollaard.ca
R0G 1J0 FAX (613) 258-0475
http://www.kollaard.ca

CLIENT:
WARREN AND JANSEN

PROJECT:
SITE PLAN

LOCATION:
COUNTY ROAD 23
PART 1, R. PLAN 27-5337
LOT 2, CONCESSION 3
TOWNSHIP OF MONTAGUE, ONTARIO
COUNTY OF LANARK

DESIGNED BY:
DT DATE:
SEPT. 15, 2008

DRAWN BY:
DT SCALE:
1:500

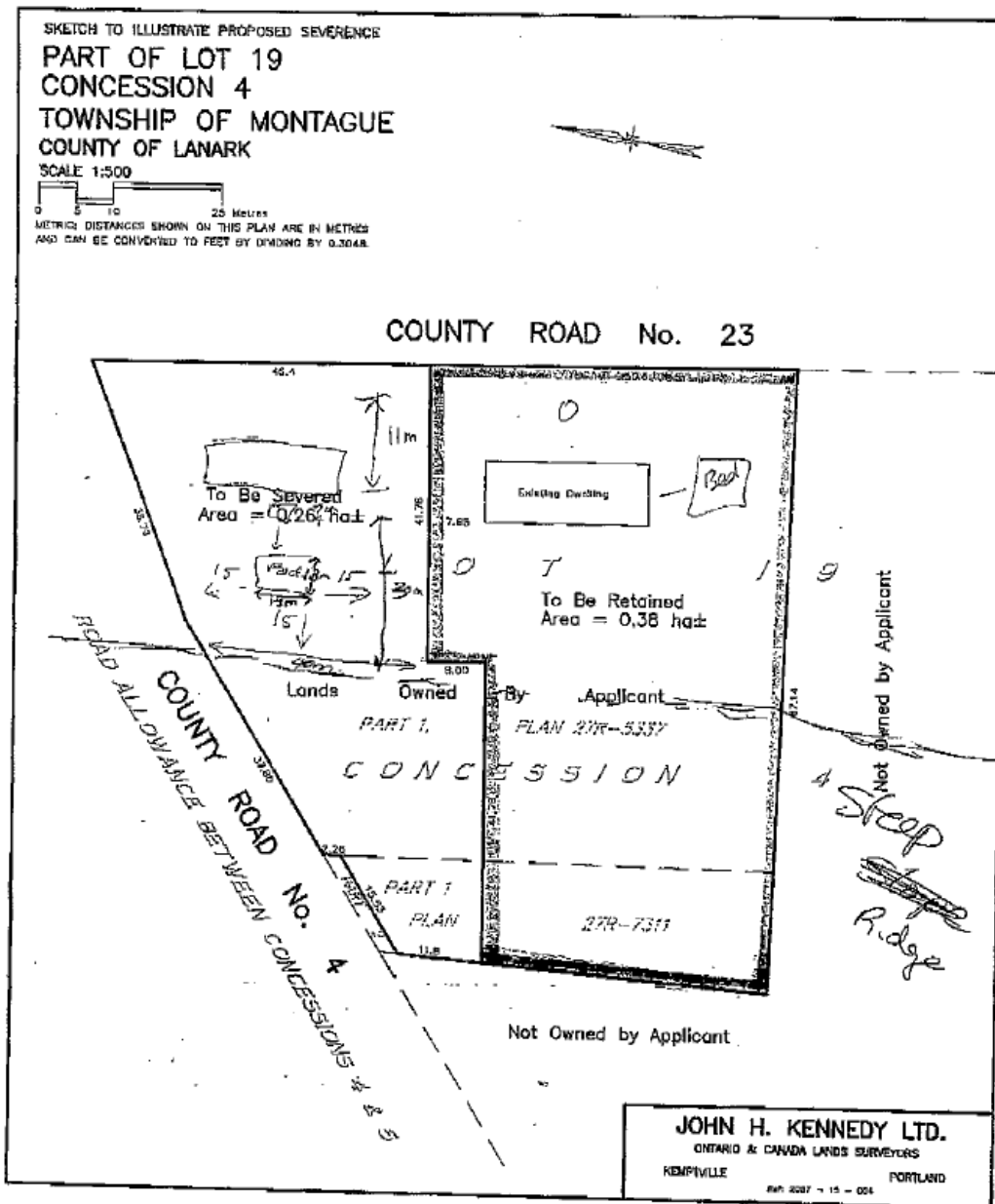
KOLLAARD FILE NUMBER:
080839

© COPYRIGHT 2008
KOLLAARD ASSOCIATES INCORPORATED

Sketch Sheet

Sketch Accompanying Application (See Section 8)

Key Map



REMINDER: INCLUDE LEGAL DESCRIPTION

January 1, 1989

Note: following a review of the Kollaard report LGL provided the following comments.
December 9, 2008

Severed Lands – 0.26-ha parcel is dissected from North to South by a ridge with the portion close to Highway 23 (Rosedale Road being higher in elevation). This area contains a gravel parking lot. Based on the design from Kollaard Associates, the severed parcel can accommodate a +/-237 square metre commercial building and 75 metre conventional leaching bed with a flow of 2460 litres per day.

Retained lands – 0.38-ha parcel containing an existing house, septic system and well. Property slopes to the southwest. Existing septic system shows no signs of stress at inspection. There is adequate space to replace current septic system.

Hydro One Networks – No comments were received.

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

County of Lanark – Public Works -

Applicant has an approved existing entrance to the County Road - #1188 and #1452.

Entrance #1452 provides access from County Road 23 (Rosedale Road); it is a common entrance designed Residential / Commercial which services the residence on the lot to be retained and services the commercial lot to be severed. Entrance #1188 provides access from County Road 4 (Roger Stevens Road); it is circular entrance designed Commercial which services the commercial lot to be severed.

Road widening is not required.

(c) PLANNING REVIEW

The applicant proposes to a 0.26-ha commercial landholding and retain a 0.38-ha residential lot with an existing residential dwelling (#6435 Roger Stevens Drive).

The lot to be severed gains access via both Roger Stevens Drive and Rosedale Road, the lands to be retained gain access from Rosedale Road.

The subject lands are located in an area characterized by Residential, Institutional and Commercial Development on a variety of lot sizes along Roger Stevens Drive. The Montague Township Administration Building, Fire Hall and Roads Garage are located to the west and Montague Public School is located to the east.

The Official Plan mapping indicates an existing pit/quarry approximately 1 km to the south of the property and the Smiths Falls Airport is located approximately 1.1 kms to the east. Although not shown on the Official Plan or the Zoning By-law schedules, approximately ½ of the lands are shown in the floodplain area of Rosedale Creek. If approved, development constraints will be required.

Soils mapping indicates the lands are Class 3: Soils in this class have moderately severe limitations that restrict the range of crops or require conservation practices, and sub-class W:– excess water.

The lands are within 200 m of a Secondary Water Source (Rosedale Creek) therefore are subject to possible "Archaeological Potential".

The Township, RVCA and Health Unit have expressed concerns regarding this proposal.

However, are prepared to accept the approval of the proposal with development conditions. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS and Official Plan for the Township of Montague and could be given favourable consideration.

(d) 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.

(e) MINUTES – February 23, 2009

No persons attended.

The Committee reviewed the application, noting that it was unclear as to the intent of the future of the lands. Based on the information provided that the application did not conform to minimum lot size requirements for a residential lot or a commercial / residential lot. Decision was therefore deferred to allow the applicant the opportunity to submit an application for re-zoning.

(f) ADDITIONAL INFORMATION

Warren and Jansen (solicitor / agent for the applicant) March 6, 2009

Further to our telephone discussion today, I confirm that the purpose of this application is to create a new lot for "Highway Commercial" purposes leaving a retained lot with an existing residence to be used as accessory dwelling for a continuing Commercial Use.

I understand the Municipality will confirm that no re-zoning is required as a consequence of the severance proposed.

Township of Montague - March 10, 2009

In our Municipal Reply, dated January 7, 2009, we noted that the proposed severance, if granted, would not, because of the size of the severed parcel, comply with the portion of the Highway Commercial zoning that allows automobile service stations of a dwelling unit accessory to a commercial use, however, a number of other uses would comply and the Township, therefore, would not object to the severance without the necessity for a rezoning. The proponent, I understand, is aware that without a rezoning, the lot will not be able to be used to the full potential allowed under the "Highway Commercial" designation.

(g) MINUTES – March 23, 2009

Paul Jansen, agent/solicitor, attended the hearing and gave evidence under oath.

Mr. Jansen advised that the applicant is aware of the zoning restrictions on the future use of the property and that depending on the purchaser, there may be a requirement for re-zoning.

(h) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

REASONS: Having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality, and having determined that the proposal is

consistent with the policy statements issued under subsection 3(1) of the Planning Act, and having had regard to the matters under subsection 51(24) of the Planning Act.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary- Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
3. The applicant shall provide the Township with a copy of the reference plan associated with this application if a survey is required by the Land Titles Office.
4. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
5. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #4 has been fulfilled to their satisfaction.
6. A letter shall be received from the Township of Montague stating that conditions #2 and #3 have been fulfilled to their satisfaction.

NOTES:

- *The Township of Montague advises that an automobile service station would not be a permitted use on the proposed severed lot since the Zoning By-law Section 10(2)(A)(ii) requires a minimum area of 30,000 sq.ft.*
- *The Township of Montague advises that the size of the proposed severed lot would not permit an accessory dwelling unit, since the total lot area would require a minimum of 10,000 sq.ft. for the principal use plus 22,000 sq.ft. for an accessory use.*
- *The Conservation Authority advises that Rosedale Creek is subject to Ontario Regulation 174/06 (made pursuant to the Conservation Authorities Act) as administered by the Conservation Authority in consideration of the Authority's Development Policies for the "Construction of Buildings / Structures, Placing of Fill and Alteration of Waterways".*

- *The Leeds Grenville and Lanark District Health Unit advises that the design of the leaching bed (if installed for a commercial building) shall be in accordance with the Site Plan prepared by Kollaard Associates Design No. 080839.*

- *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.*