



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, August 20, 2012 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2012-017

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

“THAT, the minutes of the Land Division Committee meeting held on June 25, 2012 be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2012-018

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

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

5. DELEGATIONS & PRESENTATIONS

5.1 MMAH - notice of Approval of the OP for D/NE

- 5.2 **OMB** – notice of amended appointment for hearing – Farrell – changed to Sept 6, 2012.
- 5.3 **Andrew & Glenna Brown** – comments regarding time lines for processing conditions.

All of the above received for information purposes.

6. REPORTS

- 6.1 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m.
- 6.1.1 **B12/008 – Ronald Moore – New Lot**
Pt. Lot 23 Conc. 2, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Con 2 Drummond).
- 6.1.2 **B12/030 – Jean King – New Lot**
Pt. Lot 11 Conc. 7, geographic Township of Bathurst, now in Tay Valley Township. (McVeigh Road & Rutherford Sideroad).
- 6.1.3 **B12/031 & B12/032 – Helen and Kelvin Rintoul – 2 Lot Additions.**
Pt. Lot 12 Conc. 12, Township of Beckwith. (Riverside Road).
- 6.1.4 **B12/034 – Adrian Schouten – New lot**
Pt. Lot 10 Conc. 4 Township of Montague. (Hwy 43).
- 6.1.5 **B12/036 – John Willard – new Lot**
Pt. Lot 89A Compiled Plan 6262, Town of Almonte, now in the Town of Mississippi Mills. (Martin St. S.).
- 6.1.6 **B12/037 – Eber and Aileen Conboy – Lot Addition**
Pt. Lot 4 Conc. 6, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 7)
- 6.1.7 **B12/038 – George Lopez and Anita McNamara – New Lot**
Pt. Lot 17 Conc. B, Township of Montague. (Rideau River Road).
- 6.1.8 **B12/039 – Trudy McLellan – New Lot**
Pt. Lot 14 & 15 Conc. 1, geographic Township of Ramsay, now in the Town of Mississippi Mills. (Wolf Grove Road).
- 6.1.9 **B12/041 – Walter and Joyce White – Lot Addition**
Pt. Lot 23 Conc. 11, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (White Road).

6.1.10 B12/042 – Thomas Gardiner – Lot Addition

Pt. Lot 3 Conc. 9, Township of Beckwith. (Squaw Point Road.)

6.2 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 1:00 p.m.

6.2.1 B12/043 – Leonard and Judy Fisher – New Lot

Pt. Lot 3 Conc. 8, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley.

6.2.2 B12/044 – Tim Vallee – New Lot

Pt. Lot 22/23 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Crampton Road).

6.2.3 B12/046, B12/047 and B12/048 – David Lauzon – three new lots

Pt. Lot 12 Conc. 1, geographic Township of Bathurst, now in Tay Valley Township. (Upper Scotch Line)

6.2.4 B12/049 – Calvary Christian Academy – New Lot

Pt. Lot 10 Conc. 2, Township of Beckwith. (Irvine Street).

6.2.5 B12/054 – Neil Stewart – R-O-W

Pt. Lot 25 Conc. 11 and 12, geographic Township of Darling, now in the Township of Lanark Highlands. (Windy Point Road).

6.2.6 B12/085, Gail E Palermo – new lot

Pt. Lot 24 Conc 2/3 geographic Township of North Burgess, now in Tay Valley Township. (Big Rideau North Shore Road).

6.3 Applications Previously Heard and Awaiting a Decision

6.3.1 B12/011 and B12/014 – Regan Lee – New Lot and Lot Addition

Pt. Lot 6 Conc. 3, Township of Montague. (Burchill Road).

7. CONFIDENTIAL REPORTS

None

8. NEW/OTHER BUSINESS

9.1 OACA Conference Update – Wayne Guthrie provided an update of the OACA Conference held in Burlington. Over 200 delegates attended the conference. Workshops attended: Conflict of Interest, Surveying, Nut's 'n Bolts, OMB, Committee Procedures. Next year's conference will be held in Richmond Hill.

9. PUBLIC HEARING:

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

9.1 PROVISIONAL CONSENT GRANTED

- 9.1.1 **B12/008** – Ronald Moore – New Lot
- 9.1.2 **B12/011 and B12/014** – Regan Lee – New Lot and Lot Addition
- 9.1.3 **B12/030** – Jean King – New Lot
- 9.1.4 **B12/031 & B12/032** – Helen and Kelvin Rintoul – 2 Lot Additions.
- 9.1.5 **B12/034** – Adrian Schouten – New lot
- 9.1.6 **B12/036** – John Willard – new Lot
- 9.1.7 **B12/037** – Eber and Aileen Conboy – Lot Addition
- 9.1.8 **B12/038** – George Lopez and Anita McNamara – New Lot
- 9.1.9 **B12/039** – Trudy McLellan – New Lot
- 9.1.10 **B12/041** – Walter and Joyce White – Lot Addition
- 9.1.11 **B12/042** – Thomas Gardiner – Lot Addition
- 9.1.12 **B12/043** – Leonard and Judy Fisher – New Lot
- 9.1.13 **B12/044** – Tim Vallee – New Lot
- 9.1.14 **B12/046, B12/047 and B12/048** – David Lauzon – three new lots
- 9.1.15 **B12/049** – Calvary Christian Academy – New Lot
- 9.1.16 **B12/054** – Neil Stewart – R-O-W
- 9.1.17 **B12/085 - Gail E Palermo** – new lot

10. UPCOMING MEETINGS

Monday, September 24, 2012,
Monday, October 29, 2012,
Monday, November 26, 2012, and
Monday, December 17, 2012

11. ADJOURNMENT – 3:18 p.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Ronald Moore

Hearing Date: August 20, 2012

Agent:

LDC File #: B12/008

Municipality: Township of Drummond / North Elmsley

Geographic Township: Drummond

Lot: 23 **Concession:** 2

Roll No. 0919 919 015 05900

Consent Type: New Lot

Purpose and Effect: To sever a 0.4-ha residential building lot and retain a 62.5-ha landholding with an existing dwelling, barns, shop and garage located at 1998 Drummond Con 2. The Lands are accessed via Drummond Con 2.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---------------------------|----------------------------|
| Existing Use | Vacant | Farm & Residential |
| Proposed Use | Residential | Farm & Residential |
| Area | 0.4-ha | 62.5-ha |
| Frontage | 63.4 m | 579 m |
| Depth | 64.4 m | 1600 m |
| Road - Access to | Municipal | Municipal |
| Water Supply | Proposed | Private Well |
| Sewage Disposal | Proposed | Septic System |
| Official Plan Designation -Conformity? | Rural and Wetlands Yes | |
| Zoning Category | Rural & Wetlands | Rural & Wetlands |
| -Area Required (min.) | 0.4-ha | 10.0-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 45 m | 45 m |
| -Compliance? | Yes | Yes |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

County Official Plan – Section 3.0 Rural Area Policies, Section 4.3.2 County Roads, Section 4.4 Water, Wastewater and Stormwater Services, Section 5.0 Natural Heritage, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan –Section 3 General Provisions, Section 3.13 Natural Heritage, Section 3.17 Waste Management, Section 3.18 Water and Wastewater Services, Section 4.3 Rural Policies, Section 4.6 Wetland Policies, section 5.2 County Roads, Section 6.3 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, Section 24 Wetland Zone.

The Township of drumming / North Elmsley advises that the proposal complies with the provisions of 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:

Township Planner's Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severance is consistent with the Township's Official Plan and Zoning By-law.

It is my understanding that Ronald Moore seeks to sever a 0.4 hectare (1 acre) parcel from his 135 hectare landholding, which contains a house, barn and some other outbuildings, fronting on County Road 10 (Civic Address 1998). The lot to be severed is currently vacant, consisting of open field. The intended use of this proposed lot is residential. As this proposed lot will front on a County Road, this report is prepared under the assumption that the applicant was able to satisfy the County's entrance requirements. The severed lands are designated Rural in the Township's Official Plan, as are the portions of the retained lands closest to the highway. Most of the northern and eastern parts of the retained lands are designated as part of the Black Creek Wetland, which is well beyond the borders of the new lot. There are no other development constraints as identified in the Official Plan that would impact the viability of a new residential lot in this area. While the lot is designated Rural, the proposed severance is in an area with a small concentration of farms and Section 3.7.2.1 of the Official Plan directs lots created in these areas to the lands of lesser agricultural capability, where existing agricultural operations would not be adversely affected. Given that the only non-agricultural parts of the lot that are easily accessible by road are designated Wetland (and undevelopable), and due to the location, configuration and small size of the proposed lot, I am of the view that the intent of this policy is maintained. Additionally, as there is a livestock barn on the retained lands, pursuant to Section 3.3 of the Plan, Township Staff prepared a Minimum Distance Separation calculation based on the information provided by Mr. Moore. This showed a required separation distance of about 180 metres, which falls just outside the boundaries of the severed lot. In the planning evaluation, Staff also reviewed Sections 3.19 (Land Adjacent to a Wetland), 3.25 (Rural Character), 4.3 (Rural) of the Official Plan and determined that this application is consistent with all applicable provisions. The severed lands are zoned Rural according to the Township's Zoning By-Law and the proposal meets all provisions of the By-Law for both the severed and the retained lands.

Given the foregoing, Drummond/North Elmsley Township supports the above severance provided that the conditions as indicated on the attached Municipal Reply Form are met.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The applicant shall provide the Township of 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

The subject application has been reviewed by the Rideau Valley Conservation Authority.

We offer the following comments within the context of Section 2.1- Natural Heritage and Section 3.1- Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered planning applications from the perspective of the Rideau Valley Conservation Authority regulation 174-06 ("Development, Interference with Wetlands and Alterations to Shorelines and Watercourses") under Section 28 of the Conservation Authorities Act.

We do not object to the creation of this one acre lot fronting on County Road 10; there is no natural heritage or natural hazards that would otherwise preclude the approval of the application.

We do however; note that the provincially significant wetland, known as the Black Creek Wetland, extends on to a portion of the *retained* parcel. Notice should be provided that development would not be permitted in the wetland and any development proposed within the 120 metre buffer lands associated with the Black Creek Wetland are subject to Ontario Regulation 174/06, under Section 28 of the *Conservation Authorities Act*. Any site alteration, including construction, grading, development of access driveways/routes within this boundary or any alteration to the watercourse requires a permit fill the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – A vacant 1 acre farm parcel with 208' frontage on Conc 2 Drummond Road. Land is gently sloped – open farm field. Recommendation – additional sandy loam fill may be required in area of future tile bed.

Retained – A 154.5 acre plus/minus farm parcel with an existing house serviced by a well and septic system. Land has barns, shop, garage on property. Recommendations – additional sandy loam fill may be required in area of future replacement tile bed.

County Public Works –

- 1/ Applicant has an approved existing entrance to the County Road – permit No. 2384.
- 2/ Applicant has an approved entrance location to the County Road – application No. 2367.
- 3/ A full entrance application must be submitted and entrance installed prior to deed endorsement.
- 4/ Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.4-ha residential building lot and retain a 62.5-ha landholding with an existing dwelling, barns and outbuildings.

The subject lands are located in an area characterized by Residential on large landholdings along Drummond Con 2, interspersed with typical residential lots.

The lands are accessed via Drummond Con 2, a County maintained road.

| | | |
|-------------------|---------------------------------|--------------------------|
| Soils Inventory – | Severed | Retained |
| | - Name: Balderson | Farmington & Muck |
| | - Stoniness: slightly stony | non-stony |
| | - CLI: 2 – moderate limitations | 6 – natural grazing only |
| | - Drainage: imperfectly | well drained |
| | - Hydrogeology: moderate | moderate |

Bedrock Inventory – Dolostone, Sandstone

An agricultural operation is located on the retained lands; therefore a MDS Calculation was prepared and submitted to the County. The MDS Calculation requires a minimum setback of 181 m; the actual setback has been calculated at 182 m. Therefore the proposal meets the requirements of MDS; however a cautionary note should be included on the deed to advise future landowners of the proximity to a livestock operation.

The area has considerable land masses mapped as 'woodlands', however none located on the severed lands. Care should be taken in any development proposal to maintain the existing tree cover on the retained lands. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – August 20, 2012**

Ronald Moore, owner, attended the hearing and gave evidence under oath.

Mr. Moore commented that almost all of his farm property is classified wetland, but the lands to be severed are out of this area and beyond the influence area.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
6. 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.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.

8. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
9. 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.
10. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
11. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 through #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through # 7 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the area of the future tile bed area on the severed lands and the future replacement tile bed area on the retained lands.*
3. *The Rideau Valley Conservation Authority advises that development would not be permitted in the wetland on the retained lands and any development proposed within the 120 metre buffer lands associated with the Black Creek Wetland are subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any site alteration, including construction, grading, development of access driveways/routes within this boundary or any alteration to the watercourse requires a permit from the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Jean King **Hearing Date:** August 20, 2012
Agent: Brandon McInnes & Trisha Greer
LDC File #: B12/030
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 11 **Concession:** 7
Roll No. 0911 916 020 17100 **Consent Type:** New Lot

Purpose and Effect: To sever a 6.5-ha residential building lot and retain a 16.0-ha vacant landholding. The lands are accessed via McVeigh Road and Rutherford Side Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|----------------------------------|---------------------------|----------------------------|
| Existing Use | Vacant | Hay, Pond, Bush |
| Proposed Use | Residential | Hay, Pond, Bush |
| Area | 6.5 ha | 16 ha |
| Frontage | 483 m | 532 m |
| Depth | 134 m | 532 m |
| Road - Access to | Municipal Road | Municipal Road |
| Water Supply | Proposed | None |
| Sewage Disposal | Proposed | None |
| Official Plan Designation | Rural and Organic Soils | |
| -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 |

(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.

2.4 Minerals and Petroleum

Section 2.4.3 Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased.

3.1 Natural Hazards

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

County Official Plan – section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services, Section 6.0 Resources, section 6.2.1 Mineral Mining, Section 7.2 Identifying Hazard Areas, Section 8.2.2 Consents.

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

Official Plan – Section 2 – General Development Policies, Section 2.18 Cultural and Heritage Resources, Section 2.19 Natural Hazard Features, Section 2.20.2 Abandoned Mines, Section 2.21 Natural Heritage Features, Section 2.2 Water Supply, Sewage Disposal, Section 2.23 Water Quality and Quantity, Section 3.6 Rural Policies, Section 4.4 Township, Section 5.2 Land Division.

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

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

Tay Valley Township advises that the proposal complies with the provisions of 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:

Township Planner's Comments

The proposal is to sever a 6.5 ha residential building lot and retain a 16 ha vacant landholding. The lands are accessed via McVeigh Road and Rutherford Side Road. Zoning By-law Category: Rural - Applicable Sections: 10.1 - The proposed residential use for the severed lands is permitted. The severed and retained lands meet minimum lot size and minimum frontage.

Mississippi Valley Conservation Authority - No objections provided mitigative measures are adhered to for any future development on the proposed severed and retained lands. MRSSO - No objection provided the septic system is greater than 30m from all water bodies and due to areas of exposed bedrock and shallow overburden, a clay seal and significant amounts of imported fill maybe required to construct a conventional septic system.

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

- Payment of all taxes owing
- Payment of all cost incurred by the Township for review
- Copy of Deed/transfer
- 1 copy of the reference plan
- Parkland contribution of \$100

Conservation Authority – Mississippi Valley Conservation

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 4.7-ha building lot, and retain a vacant 16.0 -ha landholding.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the subject property consists of (4) unclassified wetlands. One of these wetlands is located on the proposed severed lands with an unnamed watercourse travelling through it. A second large wetland exists through the centre of the subject retained lands with two additional smaller pockets of wetland on either side, also on the retained lands. In addition to the wetland areas, the southern half of the retained lands is largely forested while the northern half is a mix of open field and less mature forested land. The proposed severed lands consist of a combination of forest, wetland and open field.

REVIEW

Natural Heritage Values - Watercourse & Wetland

Sufficient area appears to exist on both the proposed severed and retained lands to accommodate future development that complies with the current standards for development adjacent to a watercourse and wetland.

Natural Hazards - Organic Soils

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development.

Sufficient area appears to exist on the proposed severed and retained lands to accommodate future development outside of areas consisting of organic soils.

RECOMMENDATIONS AND CONCLUSIONS

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

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse and the wetlands.

2. The shoreline vegetation surrounding the wetland and the unnamed watercourse shall be retained to a minimum depth of 15 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands, unnamed watercourse, or onto adjacent properties.
4. The wetlands shall remain undisturbed.

NOTES

The property owner should be advised that in the event shoreline work is proposed along the unnamed watercourse, 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 unnamed watercourse or wetlands 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.

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

On-Site Services (Septics) – Mississippi Rideau Septic Office

A site visit was conducted at the above mentioned property by our office on May 25, 2012, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately a 4.6805 hectare parcel. The proposed lot is currently vacant and is identified as a deeryard as per Tay Valley Township Official Plan. The topography of the area is rolling with areas heavy tree cover, exposed rock, and open fields. There is a wetland/pond adjacent to Bathurst Concession 9, approximately in the center of the proposed lot. The purpose of the consent, as identified by the applicant, is to create a new lot and develop with a house and garage.

The retained parcel is approximately 16 hectares and vacant. The Township Official Plan identifies a portion of the retained parcel as a deer yard with areas of organic soils.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies. Due to areas of exposed bedrock and shallow overburden, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The severance, as proposed, will not interfere with the ability construct, maintain or replace a sewage system on either lot. Given the above information, our office has no objections to the severance as proposed.

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

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 4.68-ha residential building lot and retain a 16.0-ha vacant landholding. Two previous severances were granted from the original landholding.

The subject lands are located in an area characterized by rural on large landholdings, interspersed with residential lots along Rutherford Side Road and McVeigh Roads.

The lands are accessed via Rutherford Side Road or McVeigh Road, both municipally maintained roads.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-cilicate, skarn

The lands are located within the locally known ‘Bennett Lake Road Deer Yard’. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum, particularly removal of natural browse (eastern white cedar).

The area has considerable land masses mapped as ‘woodlands’, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by Tay Valley Township.

The Tay Valley Official Plan indicates that the lands in this area may have historical mining sites, which could be little more than minor ground disturbances to major excavations and/or shafts. As a precaution, a note should be in the decision that the Ministry of Northern Development and Mines be consulted should an excavation and/or shaft be discovered.

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS, County Official Plan 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 – August 20, 2012**

Brandon McInnes and Trisha Greer, applicants, owner, attended the hearing and gave evidence under oath.

Mr. McInnes confirmed that there is a Hydro Line along the easterly corner of the lot and that a small creek runs through the lands from west to east.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. 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.
5. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.

7. Payment of \$100. 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).
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority specified to the severed parcel only, as outlined in their report of May 1, 2012, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
11. A letter shall be received from Mississippi Valley Conservation stating that condition #10 has been fulfilled to their satisfaction.
12. A letter shall be received from Tay Valley Township stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Mississippi Rideau Septic System Office advises that a clay seal and significant amounts of imported sand fill may be required to construct a conventional septic system.*
3. *The Mississippi Valley Conservation advise that in the event shoreline work is proposed along the unnamed watercourse, written permission may be required from MVC pursuant to Ontario Regulation 153/06- "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
4. *In addition, any proposed works in or near the unnamed watercourse or wetlands 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.*
6. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.*

5. *The applicant is advised that the lands are within a recognized “Wintering Area – Deer Yard”, the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
6. *The applicant is also advised that where lands are within a recognized “Wintering Area – Deer Yard” that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
7. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a “Clearance of Conditions” letter.*
8. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
9. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Helen & Kelvin Rintoul **Hearing Date:** August 20, 2012
Agent: Bob Rintoul
LDC File #: B12/031 and B12/032
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 12 **Concession:** 12
Roll No. 0924 000 025 24000 **Consent Type:** 2 Lot Additions

Purpose and Effect: B12/031 – To sever a 673.4 sq.m. parcel of land as a lot addition to lands owned by Helen & Charles Kelvin Rintoul at 140 Riverside Road.

Purpose and Effect: B12/032 – To sever an 1840.4 sq.m. parcel of land as a lot additional to lands owned by Helen Rintoul Plan 27R-3440 Pt. 1 at 124 Riverside Road together with an R-O-W over the retained lands.

| DETAILS OF PROPOSAL | Land to be Severed B12/031 | Land to be Retained |
|--|---|--|
| Existing Use Proposed Use | Vacant – Septic Bed Vacant – Septic Bed | Vacant – Septic Bed Vacant – Septic Bed |
| Area Frontage – R-O-W Frontage - Water Depth Road - Access to | 673.4 sq.m. m 12.2 m 12.2 m 55.2 m Private Road | 7,949 m2 11.6 m 11.6 m 55.2 m Private Road |
| Water Supply Sewage Disposal | N/A N/A | N/A N/A |
| Official Plan Designation -Conformity? | Flood Plain Existing | |
| Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? | Flood Plain n/a Lot Addition | Flood Plain & Rural 0.4-ha Yes 45 m No |

| DETAILS OF PROPOSAL | Land to be Severed B12/032 | Land to be Retained |
|---|---|--|
| Existing Use Proposed Use | Dwelling & Storage Bldg Same | Vacant Vacant |
| Area Frontage Depth Road - Access to | 1840 m2 36.6 m 33.2 m Private Road | 5,979.9 m2 64.3 m 93 m Private Road |
| Water Supply Sewage Disposal | Private Well Septic System | None none |
| Official Plan Designation -Conformity? | Rural & Flood Plain Yes | |
| Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? | Rural & Flood Plain n/a Lot Addition | Rural 0.4-ha Yes 45 m Yes |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless

the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation 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.

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services, Section 5.0 Natural Heritage, Section 7.3 Flooding and Erosion, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 4 General development Policies, Section 6.4 Flood Plain, Section 6.6 Rural Land, Section 7.4 Private Roads, Section 9.10 Committee on Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, section 5.4 Rural Residential, Section 12.1 Flood Plain.

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

(b) **AGENCY REVIEW**

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

Township of Beckwith – Planner's Report

PURPOSE OF APPLICATION

The purpose and effect of the two severance applications is to provide additional area to two undersized water-front lots within the Township from a third lot. The severances will reduce the number of lots having water-front access within the Township and will reduce development pressure around Mississippi Lake.

NOTICE OF APPLICATION

Staff provided the County of Lanark with a circulation list of property owners within 60m of the subject properties. Staff contacted the Town of Carleton Place to ensure residents on their side of the municipal boundary were also made aware of the application.

DESCRIPTION OF SUBJECT LANDS

The Planning Committee is already aware of the subject properties through previous discussion with the applicant and the Mississippi Valley Conservation. The subject properties contain floodplain zoning and are considered by MVC to be within the Floodway, which is the more restrictive of the two floodplain components. Development within the floodway is generally not permitted, unless it is minor additions to existing structures.

PROVINCIAL POLICY STATEMENT

The policies of Section 2.1 of the PPS regard natural heritage, including areas of fish habitat. The severance proposals effectively reduce the development pressure along Mississippi Lake by reducing the number of existing lots along the waterfront.

The policies of Section 3.1 regard natural hazards and specifically areas identified as 'floodway'. The policies of this section prohibit development within the floodway. Although the severance applications are separate from the applicant's development intentions, Staff acknowledges that the intent of the severances is to ensure adequate space to accommodate the intended development. Staff also notes that this site has extenuating circumstances, whereby the applicant obtained a minor variance from the Township in 1993 to demolish two existing cottages and erect a replacement structure with the combined footprint. While Staff acknowledges that the PPS prohibits development within the floodway, Staff also acknowledges that the applicant went through the appropriate channels to obtain the necessary approvals in the past to construct a replacement structure. As a result of those approvals, the applicant demolished the existing structures. If the structures were still standing today, the applicant would likely be permitted to renovate or construct minor additions to the structures.

While the proposal is not entirely consistent with the PPS, the development proposal also has extenuating circumstances.

OFFICIAL PLAN

Land division policies prohibit the creation of new lots on private roads and areas subject to flooding. As the severance applications are not creating any new lots, the applications

are consistent with the Township's land division policies. Furthermore, the proposed severance applications effectively reduce the number of lots within the floodplain and enlarge two existing undersized lots, which improves an area of non-conforming uses.

ZONING BY-LAW

The subject properties are zoned rural and floodplain within the Township's zoning by-law.

Development within the flood plain zone is limited; however, the Township has expressed support for previous minor variance application A-1-93 to permit the construction of a replacement structure on one of the enlarged properties. The severance applications serve to increase two existing undersized lots and will reduce the number of waterfront lots around Mississippi Lake.

OPTIONS / ANALYSIS

The applicant previously discussed the severance proposal with the Township during the October Planning Committee meeting. The Planning Committee indicated that they supported the severance application, as the severances would improve an existing nonconforming situation.

COMMENTS

Staff received a phone call from an adjacent property owner. While the property owner did not specifically object to the severances, the property owner had the following two concerns:

- Firstly, the applicant feared that the private road would be affected by the severances, as the private road is contained within the lands being transferred. Staff informed the property owner that his deed would provide information to him on the nature of the right-of-way and that his ability to use the lands should remain the same.
- The property owner's second concern related to the forthcoming development of a dwelling- on the presently vacant waterfront property and the potential for drainage issues. Staff indicated to the applicant that all development along the water is regulated through site plan control agreement, which includes site drainage. Staff instructed the property owner to provide written comments to the Township and indicated that he will be circulated on the site plan application, once submitted.

Mississippi Valley Conservation has no objections to the severance applications, provided the following conditions are satisfied:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the river.
2. With the exception of a maximum 9 metre wide clearing for water access, existing shoreline vegetation shall be retained, and ideally enhanced to a minimum depth of 3 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river or onto adjacent properties.
4. Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of future development.

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

1. The applicant provide the Township of Beckwith with a paper copy of the reference plan;
2. The applicant provide the Township of Beckwith with confirmation that the existing right-of-way, being Riverside Drive, is not to be affected by the severance applications;

Advisory Notes:

1. The applicant is required to enter into a site plan agreement with the Township of Beckwith prior to undertaking any development on the subject property;
2. The applicant is required to obtain a minor variance from the Township of Beckwith for any development beyond that permitted by previous minor variance application A-1-93.

Conservation Authority - Mississippi Valley Conservation

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

PROPOSAL

It is our understanding that the purpose of application B12/031 is to sever a vacant 673.4 sq. m. (0.17 ac) parcel of land, with 12.2 meters of water frontage, as a lot addition to the adjacent land to the east, which is currently developed with a single family residence. The purpose of application B12/032 is to sever 1840.4 sq. m. (0.45 ac), with 11.6 meters of water frontage and an existing storage shed, as a lot addition to the adjacent land to the west, which is currently vacant. As a result of these two applications, the retained land will measure 5979.9 sq. m. (1.48 ac) and will no longer have water frontage.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, both severed lands, as well as the lots to-be-enlarged have water frontage on the Mississippi River. In addition, MVC's flood plain mapping shows that the entire properties to-be-enlarged; the entire severed lands under B12/031; and a portion of the severed lands under B12/032 are located within the 1:100 year flood plain and the Regulation Limit of the river. With the exception of several trees, limited shoreline vegetation was observed on the subject property. No other natural heritage features or natural hazards were identified.

BACKGROUND

Current MVC policies do not permit development within the flood plain of the Mississippi River. Therefore, the landowners attended a hearing with MVC's Regulations Committee in order to receive approval to develop the lot-to-be enlarged under B12/032. Approval was granted by the Committee on March 6, 2012, with conditions. A permit from MVC has not yet been obtained, as completion of the subject lot addition is required as a condition of approval from MVC's Committee.

REVIEW

As a result of the subject application, essentially the water frontage of one lot has been divided into two parts and added to two adjacent lots. The result is two larger waterfront lots and the elimination of a third waterfront lot. This serves to favourably decrease the intensity of development along the river.

CONCLUSION AND RECOMMENDATIONS

With the above in consideration, MVC does not have any objection to the subject lot additions provided the following mitigative measures are implemented for future development on the resulting lot to-be enlarged under B12/032:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the river.
2. With the exception of a maximum 9 metre wide clearing for water access, existing shoreline vegetation shall be retained, and ideally enhanced to a minimum depth of 3 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river or onto adjacent properties.
4. Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of future development.

NOTES

With respect to the lot to-be-enlarged under B12/031, we assume that any potential future development will comply with the zoning provisions; particularly with respect to the minimum waterbody setback. In addition, existing shoreline vegetation shall be maintained and ideally enhanced.

The applicant should be advised that both of the lots to-be-enlarged are located within the 1:100 year flood plain and the Regulation Limit of the Mississippi River. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the flood plain or the Regulation Limit of the river. In addition, any proposed alterations to the shoreline of the river require written permission from MVC.

In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river 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.

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

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

Severed – B12/031 – The portion to be severed is 0.166 acres. It is intended to be added to an adjoining lot to allow for a septic system on the adjoining lot. The severed land is intended to be added to another lot to ensure all of the septic system is on one lot.

Two portions consisting of a total of 1,840.4 metres squared are to be severed. The property contains a garden and a field. Drainage is toward the Mississippi River. This portion is intended to remain vacant. It would accommodate a conforming Class 4 septic system.

Retained – The property to be retained is 5,979 metres squared and contains a garden and field. This portion is intended to remain vacant. It would accommodate a conforming Class 4 septic system.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever two concurrent applications for lot additions and by redistributing the lands will result in one less waterfront lot and create a lot without water frontage. The existing R-O-W will be required to be transferred with the lands.

The subject lands are located in an area characterized by seasonal residential on typical smaller type lots along the Mississippi River.

The lands are accessed via Riverside Drive, a private road, which adjoins High Street, municipally maintained road.

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

The area has no land masses mapped as ‘woodlands’, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Beckwith.

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Beckwith 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 – August 20, 2012**

Bob Rintoul, applicant, attended the hearing and gave evidence under oath.

Mr. Rintoul confirmed that Riverside Drive is a private r-o-w and agreed that the r-o-w as shown on the GIS mapping running westerly of the Rintoul lands should be included within the lands being transferred through B12/032 to Helen Rintoul subject to the rights of others who have legal right to use. Mr. Rintoul will confirm ownership of the existing right-of-way.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B12/031

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained and all those who are currently entitled.
4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.
6. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Helen Rintoul and Charles Kelvin Rintoul described as Part Lot 12 Conc. 12, Beckwith, 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”.

7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
8. 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.
9. The applicant provide the Township of Beckwith with confirmation that the existing right-of-way, being Riverside Drive, is not to be affected by the severance applications.
10. A letter shall be received from the Township of Beckwith stating that condition #7 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The applicant/ purchaser is advised that they will be required to enter into a Development Agreement and/or Site Plan Agreement with the Township of Beckwith prior to undertaking any development on the subject property. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of May 15, 2012.*
2. *The applicant / purchaser is advised that they will be required to obtain a minor variance from the Township of Beckwith for any development beyond that permitted by previous minor variance application A-1-93.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
4. *The Mississippi Valley Conservation advises that the lot to-be-enlarged are located within the 1:100 year flood plain and the Regulation Limit of the Mississippi River. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the flood plain or the Regulation Limit of the river. In addition, any proposed alterations to the shoreline of the river require written permission from MVC.*

5. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river 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.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

B12/032

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained and all those who are currently entitled.

4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.
6. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Helen Rintoul, described as Part Lot 12 Conc. 12, Beckwith, RP27R-3440 Pt. 1 together with a R-O-W 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".
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
8. 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.
9. The applicant provide the Township of Beckwith with confirmation that the existing right-of-way, being Riverside Drive, is not to be affected by the severance applications.
10. A letter shall be received from the Township of Beckwith stating that condition #7 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The applicant/ purchaser is advised that they will be required to enter into a Development Agreement and/or Site Plan Agreement with the Township of Beckwith prior to undertaking any development on the subject property. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of May 15, 2012.*
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3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the*

developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.

4. *The Mississippi Valley Conservation advises that the lot to-be-enlarged are located within the 1:100 year flood plain and the Regulation Limit of the Mississippi River. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the flood plain or the Regulation Limit of the river. In addition, any proposed alterations to the shoreline of the river require written permission from MVC.*
5. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river 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.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
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It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Adrian Schouten **Hearing Date:** August 20, 2012
Agent: John Wanless, George Bracken Ltd.
LDC File #: B12/034
Municipality: Township of Montague
Geographic Township: Montague **Lot:** 10 **Concession:** 4
Roll No. 0901 000 010 14801 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.43-ha residential building lot and retain a 1.43-ha residential building lot. The lands are accessed via Highway 43. This application is a re-submission of Consent B10/139 which was allowed to lapse.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|----------------------------------|---------------------------|----------------------------|
| Existing Use | Vacant | Vacant |
| Proposed Use | | |
| Area | 1.43 ha | 1.43 ha |
| Frontage | 63.84 m | 87.6 m |
| Depth | 214.18 m | 214.18 m |
| Road - Access to | County Road | County Road |
| Water Supply | Proposed well | Proposed well |
| Sewage Disposal | Proposed septic | Proposed septic |
| Official Plan Designation | Rural | |
| -Conformity? | Yes | |
| Zoning Category | Rural | Rural |
| -Area Required (min.) | 0.4-ha | 0.4-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 46 m | 46 m |
| -Compliance? | Yes | Yes |

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.6 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.

County Official Plan – Section 3.0 Rural Policies, Section 3.3.3 Lot Creation, Section 4.3.2 County Roads, Section 4.4 Water, Waste Water and Stormwater Services, Section 4.7 Utility Corridors, Section 5.0 Natural Heritage, Section 8.0 General Policies, Section 8.2.2 Consents.

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

Official Plan – Section 2 General Development Policies, Section 2.16 Road Access, Section 2.18 Cultural Heritage and Archaeological Resources, Section 2.21 Natural Heritage Features Section 2.2. Ground Water Supply, Sewage Disposal and Other Services, Section 3.4 A & B Natural Heritage, Section 3.6 Rural Policies, Section 4.3 County Roads Section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

Please be advised that I have reviewed the above noted consent application and have determined that the proposed consent is consistent with the Township of Montague's Official Plan and Zoning By-law.

As I understand it, the applicant is intending to sever a 1.43 hectare (3.5 acre) residential building lot from a 2.86 hectare lot fronting on County Road 43, just outside the Village of Merrickville. Additionally, I note that this severance was previously provisionally approved by the County in 2010, although the approval had lapsed since the applicant was unable to fulfill all the draft conditions within the required time frame. The lot proposed pursuant to this application is the same as that previously supported.

While the subject lands border the Village of Merrickville, the lands are designated Rural according to the Township's Official Plan. Section 3.6.4.2 of the Plan provides for "low density residential development that complements the character of the rural environment." In this case, the development seeks create two new lots that are almost 2 acres in size and the lot size and topography should easily allow the development of two residential lots while not negatively impacting the rural character.

While abutting the corporate borders of the village, I note that the more densely built up area begins about half a kilometer away and as such the residential development of this parcel would be more consistent with rural residential development rather than being directly influenced by the settlement area. I do note however that the Rural and the Groundwater Supply (Sec. 2.22) sections of the Plan require that any new development take into account the quality and quantity of the groundwater resource, which is especially important with regards to this application, given its proximity to the Merrickville settlement area. A review of the Township's natural and human made constraints mapping indicates that the severed and retained lots are outside of any identified features or their influence areas.

With regards to transportation, Section 4.3 of the Township's Official Plan requires an entrance permit for all new proposed development that accesses a County Road. This evaluation is written under the assumption that the applicant is eligible for an additional entrance through the County. Additionally, the lot abuts the Canadian Pacific Railway line that crosses the Township and in this case, the depth of the lot (between the highway and railway tracks) varies between about 210 and 244 metres. Given the required setbacks: from the roads, that leads to assume that any new residential development would likely be around or less than 200 metres from the tracks. While that is not close enough, in my view, to trigger a noise study on the lots, I believe it would be prudent to include a note to be registered on title that the lots are within close proximity of a rail line and may be susceptible to impacts such as noise.

The severed and retained lots are both within the Rural (A) Zone as indicated in the Township's Zoning By-Law, and both lots meet the requirements of the zone in terms of lot area, frontage and use.

Given the foregoing, the Township of Montague supports the above consent application, provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- 1/ The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2/ The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3/ The Applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists on the requested severed lot to service the intended single family residential use.
- 4/ The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.
- 5/ The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:
“TAKE NOTICE that this lot is located within 300 metres of an active rail line which is located to the north in part of Lot 10, Concession A, Township of Montague. As such from time to time it may be exposed to impacts typically associated with such a use including noise.

Conservation Authority and Parks Canada

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

For the applicant's information the south half of the severed and retained parcels are within the RVCA's regulatory jurisdiction as they are within the 120 metre adjacent lands to the Merrickville Marsh Provincially Significant Wetland. Any development within the 120 metre adjacent lands to the Merrickville Marsh Provincially Significant Wetland requires the prior written approval from the RVCA under Ontario Regulation 174/06 "*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*" made pursuant to Section 28 of the Conservation Authorities Act.

For the purpose of this application the subject property is separated from the Provincially Significant Wetland by Highway 43. Therefore the RVCA is not requesting an EIS to support this application.

Conclusion

In conclusion, the Conservation Authority has no objections or conditions to this application for consent. Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below. Please contact me at ext. 1191 if you have any questions.

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

Severed – The property to be severed is 3.53 acres. The property is wooded with drainage toward the south. Rock was encountered between 0.15 m and 0.6 m of grade. Recommendation - There would be sufficient land to construct a conforming Class 4 system. It will need to be at least partly raised using imported sandy loam fill.

Retained – The property to be retained is 4.64 acres. Drainage is toward the south. Rock was encountered within 0.6 m of grade. The property consists of woods and field. Recommendation - There would be sufficient land to construct a conforming Class 4 system. It will need to be at least partly raised using imported sandy loam fill.

County of Lanark Public Works

- 1/ Applicant has an approved entrance location to the County Road (Permit No. 2301).
- 2/ Entrance to be installed prior to deed endorsement.
- 3/ Access to lands to be severed and retained to be gained from Common Residential entrance. A full entrance application must be submitted and entrance installed prior to deed endorsement.
- 4/ Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department

Canadian Pacific Railway – no comments received.

Village of Merrickville-Wolford – No comments received.

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 1.43-ha residential building lot and retain a 1.43-ha residential building lot. This proposal is a resubmission of Consent Application B10/139, which was allowed to lapse.

The subject lands are located in an area characterized by Residential and located on the western boundary of the Village of Merrickville. The Rideau River and Canal are located within 30 m to the south and the lots are bounded by CPR to the north.

A note will be required on the Transfer / Deed Schedule (if approved) regarding the proximity of the CPR Rail Line.

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

The lands are accessed via Highway 43, a county maintained road.

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

The lands are within 300 m of a Primary Water Source (Rideau River) 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, the County Official Plan 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 – August 20, 2012**

Adrian Schouten, owner, attended the hearing and gave evidence under oath.

Mr. Schouten advised that the application had lapsed as he had delayed in ensuring that the shared entrance to the County Road was installed within the one-year time frame.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. Access to the severed and retained lands are to be accessed by a mutual entrance centred at the common lot line.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an active rail line and may therefore be subject to noise, dust, odours, vibration and other activities associated with operation and maintenance of the rail line".
5. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
6. 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.
7. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
8. 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.
9. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
10. The applicant shall demonstrate to the satisfaction of the Township of Montague that adequate ground water supply exists to service the intended single family residential use on the severed lot.

11. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit. Access to the lands to be severed and retained shall be from a "Common Entrance".
12. 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.
13. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
14. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 through #12 has been fulfilled to their satisfaction.
15. A letter shall be received from the Township of Montague stating that condition #5 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation advises the south half of the severed and retained parcels are within the RVCA's regulatory jurisdiction as they are within the 120 metre adjacent lands to the Merrickville Marsh Provincially Significant Wetland. Any development within the 120 metre adjacent lands to the Merrickville Marsh Provincially Significant Wetland requires the prior written approval from the RVCA under Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" made pursuant to Section 28 of the Conservation Authorities Act.*
2. *The Leeds Grenville and Lanark District Health Unit advise that the septic system on the severed and retained lots will need to be at least partly raised using imported sandy loam fill.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

4. *The lands to be severed and the retained lands are located in an area identified by the Mississippi-Rideau Source Water Protection Committee as a "Groundwater / Surfacewater Vulnerable Area".*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: John Willard

Hearing Date: August 20, 2012

Agent:

LDC File #: B12/036

Municipality: Town of Mississippi Mills

Geographic Township: Almonte

Lot: 89A **Plan:** 6262

Roll No. 0931 020 025 12100

Consent Type: New Lot

Purpose and Effect: To sever a 1,428 sq.m. parcel of land with an existing guest house and retain a 1,535 sq.m. residential lot with an existing dwelling at 98 Martin St.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|----------------------------------|--|--|
| Existing Use | Guest House | Residential |
| Proposed Use | Residential | Residential |
| Area | 1,428 sq.m. | 1,535 sq.m. |
| Frontage | 36.6 m | 100 m |
| Depth | 70.7 m | Irregular |
| Road - Access to | Municipal | Municipal |
| Water Supply | Proposed | Piped Water |
| Sewage Disposal | Proposed | Sewage System |
| Official Plan Designation | Residential | |
| -Conformity? | Yes | |
| Zoning Category | Residential (R2-11) & Environmental Protection | Residential (R2-11) & Environmental Protection |
| -Area Required (min.) | 320 sq.m. | 320 sq.m. |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 10 m | 10 m |
| -Compliance? | Yes | Yes |

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.1.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

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

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 developing new 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 of existing municipal sewage services and municipal water services should be promoted, wherever feasible.

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation 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.

County Official Plan - Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services, Section 5.0 Natural Heritage, Sections 7.3 Flooding and Erosion, Section 8.2.2 Consents.

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

Official Plan –Section 3 Land Use Policies, Section 3.6 Residential Policies, Section 4 General Policies, section 4.3 Heritage Resources, Section 4.3.5 Archaeological Heritage Resources, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land
The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 6 General Provisions, Section 11 Residential Type 2 – Special Exception 11.

The Town of Mississippi Mills advises that the proposal complies with the zoning by-law requirements, provided a re-zoning is undertaken to remove the Special Exception.

(b) AGENCY REVIEW

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

Town Planner's Report

Background

The subject property is currently owned by John Willard and has an approximate area of roughly 2960.8m² (31,869.8ft²) and an approximate lot frontage of 112.00m (367.45ft) on Martin Street South which is a municipally maintained road. The intent of this consent application is to divide Lot 89A into two residential lots. The existing residence will remain on the retained lot and a second dwelling will remain on the severed lot.

The lot subject to this consent application is designated Residential and Flood Plain in the Community Official Plan. The subject property is zoned Residential Type 2 Special Provision 11 (R2-11) and Environmental Hazard (EH). Both structures are on Town water and sewer services.

Consent Application Summary Lot Severance

This application seeks to sever a 1428m² (15,370.8ft²) parcel of land with a guesthouse (converted garage) from an existing residential lot to create two lots each supporting separate dwellings. The retained lot has an existing two-story residential house. The lot intended to be severed has an existing guest house, formerly a garage/studio. In 2006, the garage/studio was upgraded to residential standards through a zoning amendment dated October 10, 2006 (Z-08-06/D14-WI). The retained lands would maintain a frontage of 100m (328ft) onto Martin Street South and would have a lot area of 1535m² (16,522.6ft²).

Provincial Policy Statement

The 2005 Provincial Policy Statement speaks specifically to infill opportunities, these policies include:

- Section 1.1.3.3: Planning Authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas.
- 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 residents of the regional market by:
 - (d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed; and
 - (e) Establishing development standards for residential intensification, redevelopment and new residential development which minimizes the cost of housing and facilitates compact form while maintaining appropriate levels of public health and safety.
- Section 1.6.4.1 Planning for sewage and water services shall direct and accommodate expected growth in a manner that promotes the efficient use of existing municipal sewage services and municipal water services.

The Provincial Policy Statement supports the goal of intensification of urban areas provided there is sufficient infrastructure to support such development. The Provincial Policy Statement also looks to municipalities to “facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety”. This consent application helps to achieve the goal of residential intensification through converting an existing guest house into a separate residence on its own lot. With this in mind, the proposed severance application is consistent with the Provincial Policy Statement in creating this infill opportunity.

Community Official Plan

The Goals and Objectives of the Community Official Plan promote infill opportunities and intensification development. The goal of the residential policies of the Community Official Plan is to “promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community”. Such objectives include:

1. Promote and support development which provides for affordable, rental and or increased density of housing types;
2. Ensure that land use policies and zoning do not establish barriers to a more balanced supply of housing;
3. Direct the majority of new residential development to areas where municipal sewer and water services will be available and which can support new development;
4. Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.

The goals with respect to design of the Community Official Plan are to require new development and redevelopment to respect the scale and form of the area’s small town character. Section 4.2.1.4 requires residential intensification, infilling and redevelopment within existing neighbourhoods to be compatible with surrounding uses in terms of density and design.

Section 5.3.11.2, titled General Consent Policies, provides polices on how to review consent applications. Policy 5.3.11.2.1 states “the Town shall support applications to create lots by consent when:

- The scale of the development proposed or total development potential of the property would not require a plan of subdivision;
- The application represents infilling in an existing built-up area;
- The proposed lots are in keeping with the lot area and frontage and density pattern of the surrounding neighbourhood;
- The creation of lots would not create or worsen traffic, access or servicing problems;
- The application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;
- The application does not represent strip development; and
- The application meets all other policies of this plan.

Section 5.3.11.2.2 states that the Town shall not support consent applications that do not conform to the policies of the Community Official Plan or the provisions of the Zoning By-law.

The proposed severance is consistent with the intent of the consent policies of the Community Official Plan. The proposed lot is reflective of the lot area, frontage and density of other properties in the surrounding neighbourhood.

Zoning By-law 11-83

The subject property is currently zoned Residential Type 2-11 (R2-11). This zoning classification permits a range of residential dwellings including single family detached and semi-detached dwellings. The by-law requires a minimum lot area of 320m² (3,444.6ft²) and a minimum lot frontage of 10m (32.8ft) per unit. The applicant is proposing a lot area of 1428m² (15,370.8ft²) and a minimum lot frontage of ~36m (118ft). Both lot area and lot frontage exceed the required minimums as set out in Zoning By-law 11-83.

Special provision R2-11 states that “a detached garage existing on the date of the passing of this by-law may be used as an accessory dwelling unit”.

Conclusion

The proposed severance is consistent with the Provincial Policy Statement as well as the intent of the Community Official Plan and Zoning By-law 11-83. Staff’s recommendation regarding the proposed severance is to support the application subject to the following conditions:

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property;
4. That the applicant provide a building location survey of the property to the Town in order to determine if any relief is required from Zoning By-law 11-83;
5. That the applicant acquire an entrance permit onto Martin Street South from the Department of Roads and Public Works;
6. That the applicant shall rezone the property to remove the provision of using the garage as an accessory dwelling unit.

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.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever 1428 sq. m. with 23.5 metres of water frontage, and retain 1535 sq. m. with 80.5 metres of water frontage. Both the severed and retained parcels are already developed with single family residences.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed severed and retained land have frontage on the Mississippi River. They are also partially located within the 1:100 year flood plain and the Regulation Limit of the river. With the exception of a clearing for water access, the shoreline appears to have been maintained with a vegetated buffer approximately 2 -3 metres deep. No other natural heritage features or natural hazards were identified.

REVIEW

MVC encourages a minimum lot area of 1 ha and a minimum water frontage of 60 metres, on waterfront lots. With this in consideration, the proposed lot size of 0.14 ha (1428 sq.m.) and 0.15 ha (1535 sq.m) on the severed and retained lands respectively, and the proposed water frontage of 23.5 metres on the severed lot, are very deficient. Notwithstanding this concern, we recognize that the resulting lot sizes and frontage comply with the current Zoning By-Law. In addition, both lots are already developed with no new development proposed at this time.

CONCLUSION AND RECOMMENDATIONS

With the above in consideration, MVC does not have any objection to the subject application. However, we strongly encourage consideration be given to a comprehensive zoning amendment to increase the minimum lot size and frontage requirements for waterfront properties.

NOTES

With respect to the retained and severed land, we assume that any potential future development will comply with the zoning provisions; particularly with respect to the minimum waterbody setback. In addition, existing shoreline vegetation should be maintained.

The applicant should be advised a portion of the subject property is located within the 1:100 year flood plain and the Regulation Limit of the Mississippi River. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the flood plain or the Regulation Limit of the river. In addition, any proposed alterations to the shoreline of the

river require written permission from MVC.

In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river 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.

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

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

Mississippi River Power – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1,428 sq.m. parcel of land with an existing guest house and retain a 1,535 sq.m. residential lot with an existing dwelling located at 98 Martin Street.

The subject lands are located in an area characterized by Residential on typical town lots along Martin Street. The rear of the lands abuts the Mississippi River and are classified as Environmental Protection.

The Community official Plan section 3.1.2.3 Vegetation Cover recognizes that preserving vegetation along waterways contributes to the overall health of the area and helps lessen the environmental impact of development and improved visual appeal of newly developed areas. Although not addressed by either the Town of the CA, I believe consideration should be given to including a 'note' on the provisional consent, that the applicant maintain a natural vegetation buffer along the shoreline of the Mississippi River

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

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Town of 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 – August 20, 2012**

John Willard, owner and Pat Willard, spouse of the owner, attended the hearing and gave evidence under oath.

Mr. Willard advised that he would be required to construct a new entrance to the retained lands and that the 'Guest House' was a self-contained dwelling unit under permission from the Town.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The applicant shall satisfy all the requirements of the Town of Mississippi Mills, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.

6. The applicant shall provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The applicant shall obtain an entrance permit onto Martin Street South. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
8. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
9. Satisfactory evidence shall be provided to the Town of Mississippi Mills 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.
10. The lot to be severed and the lot to be retained shall be zoned to remove the provisions of using the garage as an accessory dwelling unit.
11. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that a portion of the subject property is located within the 1:100 year flood plain and the Regulation Limit of the Mississippi River. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within the flood plain or the Regulation Limit of the river. In addition, any proposed alterations to the shoreline of the river require written permission from MVC.*
2. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river 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.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
4. *That the applicant be encouraged to maintain or establish a natural vegetation buffer on the lands within 15 m of the shoreline of the Mississippi River (referred to as the 'ribbon of life') on the severed and retained lands.*

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

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.3 Agriculture

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

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

3.1 Natural Hazards

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services Section 5.0 Natural Heritage, Section 6.1 Agricultural Resources, Section 8.2.2 Consents.

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

Official Plan – Section 3 General Provisions, Section 3.15 Natural Heritage, Section 3.18 Water and Wastewater Services, Section 3.17.1 Solid Waste Disposal, Section 4.3 Rural Policies, Section 4.4 Agricultural Policies, section 4.6 Wetland Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

Zoning By-law - Section 4 General Provisions, Section 6 Agricultural Policies, Section 7 Rural Policies.

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

(b) **AGENCY REVIEW**

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

Township Planner's Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severance is generally consistent with the Township's Official Plan and Zoning By-law.

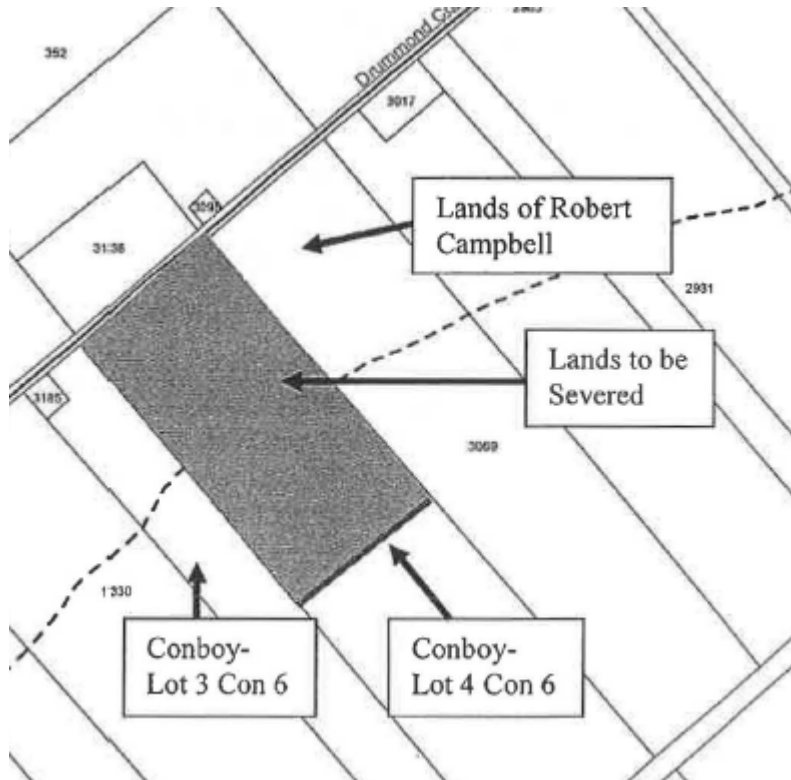
It is my understanding that Mr. Conboy intends to sever a 20 hectare (50) acre parcel from his existing agricultural holding, which contains a bam and outbuilding and transfer these lands to his neighbour Robert Campbell, who owns a couple of agricultural properties adjacent Mr. Conboy's lands on the Drummond Concession 7 road. In pre-consultation with the Township, Mr. Conboy noted that the purpose of this application was to allow Mr. Campbell to expand his existing agricultural operation. No new structures or uses are contemplated as part of this application.

The severed lands are designated Agricultural in the Township's Official Plan, and as such, are subject to additional restrictive provisions with regards to lot division and creation. The purpose of these provisions are to protect the agricultural uses and capabilities on these prime agricultural lands. This is especially important due to the relatively small amount of prime agricultural land within the Township. More specifically, lot creation is generally not permitted to allow new residential development. In this case, the lands to be added to Mr. Campbell's farm do not contain a residence and this proposed severance would not result in a circumstance in which an additional residence would be permitted and consequently, a rezoning to prohibit additional residential development would not be required. Aside from the bam, which is to be severed, the remainder of Mr. Conboy's farm holding has no buildings. This application is consistent with the provisions of Section 3.7.2.1 (subsection 2) of the Official Plan, which allows consents in agricultural lands if it results in a farm enlargement. It should be noted that the lot addition comprises about 300 metres of frontage on Drummond Con. 7 and extends to the rear field fence line (the full extent of the prime agricultural area), which effectively minimizes the fragmentation of the farmland. In addition to the Agricultural lands, much of the southern portion of the retained lands are within the provincially significant Blueberry Marsh wetland, however this application does not impact on that feature and no new lot lines are nearby. In between the designated wetland and the prime agricultural land is an amount of land designated "Rural."

In reviewing the application, I also note that the "retained lands" identified in the application consist of lands with two roll numbers and different descriptions (Lots 3 and 4 of Concession 6). These lots share the same ownership and it is likely that they were automatically merged on title through the land registration process. Nonetheless this should be confirmed, otherwise the entire frontage of Lot 4 would be severed and transferred and this application would therefore I and lock a substantial landholding to the rear. If this is the case, I would suggest that the two Conboy lots be merged, given that the part that is on Lot 3 provides adequate frontage to access the rear portions of the retained lands.

Further to the Land Division, Agriculture and Frontage policies of this Plan, I advise that there are no additional constraints as identified in the Plan that would preclude the approval of this application. With regards to the Zoning By-Law, the severed and most of the retained lands are zoned Agriculture and this application is consistent with the provisions thereof. With regards to the portions of the retained lands zoned Rural and Wetland, this application has no impact.

Given the foregoing, Drummond/North Elmsley Township supports the above severance provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.



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

1. The severed lands shall be for a lot addition only to adjacent agricultural lands owned by Robert Campbell.
2. The balance of any outstanding taxes and fees owing shall be paid to the Township.
3. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office.
4. The applicant shall confirm to the satisfaction of the Township that Lots 3 and 4 of Concession 6 (the retained lands) have merged on title and that all provisions of the Zoning By-law (particularly regarding road frontage) have been satisfied.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has reviewed this application and undertaken a site visit. We offer the following comments based on:

- Section 2.1 Natural Heritage (wetlands and wildlife habitat) and 3.1 Natural Hazards (floodplains) of the Provincial Policy Statement under Section 3 of the Planning Act.
- The Federal Fisheries Act 35(2),
- Waterfront setbacks and best management practices derived from the "Rideau Lakes Study" (1993); the study considers the affects of development on phosphorous loading and the protection of recreational water quality on waterbodies within the Rideau watershed,
- The Rideau Valley Conservation Authority regulation O.R 174-06 as per Section 28 of the Conservation Authorities Act.

The proposed severance will result in the creation and transfer of a 50 acre cropped parcel on the north portion of the holding, to be added to the adjacent agricultural property. As noted in the application, the provincially significant wetland (Blueberry Marsh) occupies much of the southern portion of the retained lands.

We note also, that the upper reach of Blueberry Creek traverses the retained portion of the lot.

The RVCA has no objection this application provided the following is recognized in the approval:

- Development and disturbance to the site should be situated such that a 30 metre setback from this watercourse.
- The watercourse and wetland area is subject to Ontario Regulation 174/06 *Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* made pursuant to the Conservation Authorities Act. Please note that any alteration to the shoreline requires prior written approval from the RVCA.

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

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

Severed – A 50 plus or minus acre parcel of land with an existing barn and grain bin.

Land is agricultural open relatively flat field. Recommendation – additional sandy loam fill may be required in future tile bed area.

Retained – A 100 plus or minus acre parcel of land. There are no existing buildings.

Land is mainly agricultural fields. Land drainage can vary. Recommendation – additional sandy loam fill may be required in future tile bed 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 a 20.2-ha parcel of land as a lot addition to lands owned by Robert Lindsay Campbell and Janet Louise Campbell at E Pt. Lot 4 Conc. 6 Drummond for agricultural purposes. The lands have an existing barn and grain bin.

The subject lands are located in an area characterized by farm and farm residential on large landholdings along Drummond Con 7.

The lands are accessed via Drummond Con 7, a municipally maintained road.

Soils Inventory – lands are a mixture of:

| | |
|-------------------------------|--------------------------|
| - Name: Monteagle | North Gower |
| - Stoniness: moderately stony | non stony |
| - CLI: 4 – severe limitations | 2 – moderate limitations |
| - well drained | poorly drained |
| - Hydrogeology: moderate | High Run-off |

Bedrock Inventory – conglomerate, sandstone, shale.

The area has considerable land masses mapped as ‘woodlands’, located on the southern section of the lands (mainly in the blueberry marsh area), care should be taken in any development proposal to maintain the existing tree cover in this area. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

The Provincial Policy Statements requires that prime agricultural areas be protected for long-term use for agriculture. The proposed lands are located within a designated agricultural area, and therefore fall under PPS Section 2.3.4 lot creation. The purpose of the lot creation is to expand an adjacent farming / cropping area. No residential development is proposed. The severed lands meet the minimum requirements of Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS 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 – August 20, 2012

Eber Conboy, owner attended the hearing and gave evidence under oath.

Mr. Conboy advised that it was his intent to have the best use of the lands as farming by the adjacent landowner. Mr. Conboy also advised that he was confident that lots 3 and 4 were consolidated on title, however if through the title search they were not consolidated

that he would request to have it done, so that he would have frontage for the retained lands on an opened and maintained municipal road.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Robert Lindsay Campbell and Janet Louise Campbell Part East Lot 4 Conc. 6 Drummond, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
6. 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.

7. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley confirming that the lot to be retained complies with the pertinent provisions of the Zoning By-law (particularly regarding road frontage) have been satisfied.
8. The applicant shall confirm to the satisfaction of the Township that Lots 3 and 4 of Concession 6 (the retained lands) have merged on title. If these lands have not been consolidated, the applicant shall undertake this process prior to deed endorsement for the severed lands.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that development and disturbance on the retained lands should be situated such that a 30 metre setback from Blueberry Creek.*
2. *The RVCA also advises that the watercourse and wetland area 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 alteration to the shoreline requires prior written approval from the RVCA.*
3. *The Leeds Grenville and Lanark District Health Unit advise that additional sandy loam fill may be required in any future tile bed area on the severed or retained lands.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: George Lopez & Anita McNamara **Hearing Date:** August 20, 2012

Agent:

LDC File #: B12/038

Municipality: Township of Montague

Geographic Township: Montague

Lot: 17 **Conc.:** B

Roll No. 0901 000 020 00400

Consent Type: New Lot

Purpose and Effect: To sever a 3.76-ha residential building lot together with an r-o-w and retain a 3.60-ha residential lot with an existing dwelling and garage located at 689 Rideau River Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---------------------------|----------------------------|
| Existing Use | Vacant | Residential |
| Proposed Use | Residential | Residential |
| Area | 3.76-ha | 3.6-ha |
| Frontage – road | 91.44 m | 113.99 m |
| Frontage - water | 92 m | 243.84 m |
| Depth | 487.68 m | 441.96 m |
| Road - Access to | Municipal | Municipal |
| Water Supply | Proposed | Private Well |
| Sewage Disposal | proposed | Septic System |
| Official Plan Designation -Conformity? | Rural Yes | |
| Zoning Category | Rural | Rural |
| -Area Required (min.) | 0.4-ha | 0.4-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 46 m | 46 m |
| -Compliance? | Yes | Yes |

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation 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.

County Official Plan – Section 3.0 Rural Policies, Section 3.3.3 Lot Creation, Section 4.3.3 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services, Section 4.7 Utility Corridors, Section 5.0 Natural Heritage, Section 8.0 General Policies, Section 8.2.2 Consents.

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

Official Plan – Section 2 General Development Policies, Section 2.16 Road Access, Section 2.18 Cultural Heritage and Archaeological Resources, Section 2.21 Natural Heritage Features Section 2.2. Ground Water Supply, Sewage Disposal and Other Services, Section 3.4 A & B Natural Heritage, Section 3.6 Rural Policies, Section 4.3 County Roads Section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

Please be advised that I have reviewed the above noted consent application and have determined that the proposed consent is generally consistent with the Township of Montague's Official Plan and Zoning By-law. As I understand it, the applicant is intending to sever a 3.76 hectare (9.3 acre) residential building lot from his existing landholding, retaining a 3.6 hectare (8.9 acre) parcel which has a dwelling (389 Rideau River Road). Both the severed and retained lands front on Rideau River Road, which is a Township owned road servicing a variety of residential and recreational land uses along the river.

The application complies with the Township's Consent Policies (Sec. 5.2.3), as well as the underlying policies of the Rural Designation. Section 3.6.4.2 of the Plan provides for "low density residential development that complements the character of the rural environment." In this case, the proposal seeks to create two new lots that are around 9 acres in size and the lot size and topography should easily allow the development of two residential lots while not negatively impacting the rural character.

One issue in this case is that the severed lands (as well as the retained) front on the Rideau River, which is part of the UNESCO World Heritage Site and any development and alteration on the lot should be compatible with the character of the canal landscape. As such, the Township will work with the Rideau Valley Conservation Authority and Parks Canada to implement any development conditions they may request, including development agreements or site plan control. Additionally, a review of the natural and human made constraints mapping indicated that a small pocket of potentially significant woodland exists on the severed lands, adjacent the driveway. I visited the site on June

17th and noted that the wooded areas appeared to mostly be poplar bush land, with a smaller number of mature trees. In my evaluation, the woodland did not appear to meet the criteria outlined in the Ministry of Natural Resources Natural Heritage Reference Manual and Section 2.21.6.2 of this Plan (in regards to woodland size, linkages with other significant woodlands, age and uncommon characteristics). As such, while it appears this woodland would not be considered significant, pursuant to Section 2.21.6.3, I would advise the applicant to confirm with RVCA and the Conservation Authority as to whether this identified area (roughly 0.7 hectares) contains any other significant natural features or requires further protection, particularly given its proximity to the water. I did not identify any other constraints as listed.

With regards to access, I note that there is sufficient frontage on both the severed and retained lands for separate driveway entrances, however based on the mapping provided with this application; it appears that the existing driveway crosses through the severed lands before accessing the existing dwelling on the retained lot. Based on this configuration, it seems likely that future access to any development on the severed lands would also be from this driveway. While this Plan does not include shared driveways servicing lots with sufficient road frontage within the definition of private roads, which are banned, I feel it is prudent that an access agreement or right-of-way be registered on those lands that will guarantee perpetual access to the retained lands through that portion of the severed lands.

The severed and retained lots are both within the Rural (A) Zone as indicated in the Township's Zoning By-Law, and both lots meet the requirements of the zone in terms of the area, frontage and use.

Given the foregoing, the Township of Montague supports the above consent application, provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

The balance of any outstanding taxes and fees owing shall be paid to the Township.

- 1/ 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.
- 2/ Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- 3/ The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 4/ The Applicant shall provide a right-of-way or some other arrangement to the satisfaction of the Township's Roads Department such that driveway access to the retained lands through the severed lands is guaranteed in perpetuity.

- 5/ The Applicant shall obtain a Civic Address Number from the Township of Montague for both lots as identified in Application B12/038. The applicant shall consult directly with the Township in this regard.
- 6/ The Applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists on both lots to service the intended single family residential use.
- 7/ The Applicant shall demonstrate to the satisfaction of the Township that the forested lands forming part of the severed lands are not significant woodlands and if they are determined to be significant; no development shall occur within the adjacent lands unless it has been demonstrated through an environmental impact assessment that development would not negatively impact the ecological function.
- 8/ The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

NOTE: through telephone conversation with the Planner, it was agreed that in light of the site inspection regarding the woodlands area, that No. 7 is not required, and that a note to the conditions advising of the presence of woodlands would be sufficient.

Conservation Authority and Parks Canada

The Rideau Waterway Development Review Team has completed a review of the above noted application which would sever a 3.76 acre parcel from the existing 7.36 acre parcel for one residential lot.

We have undertaken our review within the context of Section 2.1 Natural Heritage (provincially significant wetlands) and 3.1 Natural Hazards (flooding, slope stability and erosion) of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the applications from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act.

Natural Hazards

A small portion of the severed and retained parcels have been identified as being within the 1:100 year floodplain of the Rideau River (identified as 103.5 metres geodetic). The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.
- The Rideau River Flood Plain Mapping Study identifies portions of the retained parcel within the 1:100 year floodplain of the Rideau River, identified as 103.5 metres geodetic. Development within the regulated limit area and the floodplain requires the prior written approval of the Conservation Authority.

For the purpose of this application there is a sufficient building envelope on each lot entirely outside of the 1:100 year floodplain. Natural Heritage

The shoreline was observed as being well vegetated and relatively undisturbed. Based on the topography and the state of the site, it is the Conservation Authority's opinion that a 30 metre development setback from the normal high-water mark of the River will be

sufficient. It is imperative that the existing vegetation remain in order to protect and enhance the water quality of the Rideau River. This should be carried forward as a condition of approval.

Any future waterfront access/development on the property is limited to 25% width of the total water frontage or 50 feet on the uplands portion of the property, whichever is less. Natural vegetation shall otherwise be maintained along the 30 metre setback from the normal high-water mark of the Rideau River. Approvals for docks must be received from Parks Canada. We note that the slope characteristics of the property may restrict the size and the location of any docking facility.

Conclusion

In conclusion the Conservation Authority, in conjunction with the Rideau Waterway Development Review Team has no objection to this severance application subject to the condition that the applicant enter into a development agreement that includes the following clauses:

- 1/ Erosion and sediment controls set on the water side of the construction site to the satisfaction of the Building Inspector and any excavated materials must be disposed of well away from the water,
- 2/ Roof run-off is directed via eaves troughing and outletting of caves trough, away from the River to allow for runoff to infiltrate on-site as opposed to flowing unchecked to the lake.
- 3/ Any future waterfront access/development on the property, is limited to 25% width of the total water frontage or 50 feet on the uplands portion of the property, whichever is less, Natural vegetation shall otherwise be maintained along the 30 metre setback from the normal high-water mark of the Rideau River. Approvals for docks must be received from Parks Canada. We note that the slope characteristics of the property may restrict the size and the location of any docking facility.
- 4/ The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 *"Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation"*. This regulation affects the property in the following manner:
"Any alteration, straightening, changing, diverting 01' interfering in any way with any watercourse requires the prior written approval of the Conservation Authority. The Rideau River Flood Plain Mapping Study identifies portions of the retained parcel within the 1 :100 year floodplain of the Rideau River, identified as 103.5 metres geodetic. Development within the regulated limit area and the floodplain requires the prior written approval of the Conservation Authority."
- 5/ Any shoreline work on, over or above the bed of the Rideau Canal (Upper Rideau Lake) requires the prior written approval under the Historic Canals Regulation administered by the Rideau Canal Office. Please note that the federal Crown owns to the original upper controlled water elevation of the Rideau Canal and its lakes and .rivers. As well, no work will be permitted in, on or over the bed and waters of the Rideau Canal without the prior written approval of Parks Canada, This includes, but is not limited to, docks, decks, boat houses, launch ramps, beaches, dredging and shoreline stabilization works.
- 6/ That the Owner acknowledges and agrees that all development including private sewage systems and mantles shall be setbacks a minimum of 30 metres from the normal high water mark of the Rideau River.

Please forward notice of the decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below. Please contact me at ext. 1191 if you have any questions.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – The property is 3.76 hectares. It is primarily wooded. Drainage is toward the south. There is rock within 0.6 m of existing grade. Recommendation – there will be enough property to accommodate a Class 4 septic system that conforms to Part 8 of the Ontario Building Code. The system will need to be partly or fully raised using imported sandy loam fill.

Retained – The property is 3.60-hectares. It contains a residence and garage. The property is mainly wooded. Drainage appears to be toward the south. Recommendation – The septic system is to the east of the house. There is sufficient area to replace the system when required in the future.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 3.76-ha residential building lot and retain a 3.6-ha residential lot with an existing dwelling located at 689 Rideau River Road together with an existing r-o-w across the severed lands to access the retained lands.

The subject lands are located in an area characterized by Residential on typical seasonal type lots along the south side of Rideau River Road. Larger type landholdings are located on the north side of Rideau River Road.

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

The area has considerable land masses mapped as 'woodlands' on the north side of Rideau River Road as well a small localized area has been mapped on the lands to be severed and retained, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Montague.

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

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

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

maintains the general intent and purpose of the PPS 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 – August 20, 2012**

George Lopez, owner attended the hearing and gave evidence under oath.

Mr. Lopez advised that it is his intention to change the access to the lots, so that each lot has its separate entrance and driveway from the Township road; however this may not be undertaken this year.

Mr. Lopez was advised that speak directly to the Township with regards to their requirements to demonstrate groundwater supply.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

5. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall demonstrate to the satisfaction of the Township of Montague that adequate ground water supply exists to service the intended single family residential use on the severed lot.
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
11. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
12. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of June 25, 2012 provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
13. A letter shall be received from Rideau Valley Conservation Authority stating that condition #12 has been fulfilled to their satisfaction.
14. A letter shall be received from the Township of Montague stating that condition #4 through #12 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant prepare a 'joint road construction and maintenance agreement' for the private road providing access to the severed and retained lands.*

2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
4. *The applicant is advised that a small pocket of 'woodlands', is located on the severed lands, care should be taken in any development proposal to maintain the existing tree cover in this area*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Trudy McLellan

Hearing Date: August 20, 2012

Agent:

LDC File #: B12/039

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 14 & 15 **Conc.:** 1

Roll No. 0931 929 015 00700

Consent Type: New Lot

0931 929 015 00500

Purpose and Effect: To sever an 11.5-ha landholding with an existing dwelling at 2010 Wolfgrove Road and retain a 63.9-ha landholding at 156 Currie Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|--|---|---|
| Existing Use Proposed Use | Residential Residential | Bush, swamp, fields House and Workshop |
| Area Frontage Depth Road - Access to | 11.5-ha 340 m 339 m County | 63.9 m 1566 m 1270 m Municipal |
| Water Supply Sewage Disposal | Private Well Septic System | Proposed Proposed |
| Official Plan Designation -Conformity? | Rural Yes | |
| Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? | Rural 1.0-ha Yes 45 m Yes | Rural 1.0-ha Yes 45 m Yes |

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural Area Policies, Section 4.3 Transportation, Section 5.0 Natural Heritage, Section 8.2.2 Consents.

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

Official Plan –Section 3 Land Use Policies, Section 3.6 Residential Policies, Section 4 General Policies, Section 4.3 Heritage Resources, Section 4.6.3 County Road, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land

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

Official Plan –Section 3 Land Use Policies, Section 3.6 9 Rural Policies, General Policies, Section 4.3 Heritage Resources, Section 4.6.3 County Road, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land

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

Zoning By-law - Section 6 General Provisions, Section 9 Rural Zone.

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

(b) **AGENCY REVIEW**

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

Town Planner's Report

Background

Trudy McLellan currently owns a 38.1ha (94.2ac) parcel of land with two existing dwellings, accessory buildings, drive shed and barns in the former Township of Ramsay, now the Town of Mississippi Mills. The parcel has frontage onto two local roads, Wolf Grove Road and Tatlock Road, which are municipally owned and maintained year round by the Town of Mississippi Mills and the County of Lanark respectively.

The lands subject to the consent application are designated Rural in the Official Plan and zoned Rural in the zoning by-law.

The intent of the application is to sever the existing structures from the property onto a lot approximately 11.5ha (28.4ac) in size and create a new building lot with a retained lot approximately 26.6ha (65.7ac) in size

Severance Application Summary

Lot Severance

The application is to sever approximately 11.5ha (28.4ac) of land from the 38.1ha (94.2ac) parcel of land, creating a new lot on rural lands at the intersection of Wolf Grove Road and Tatlock Road on Part of lot 14 and Part of Lot 15, Concession ,1 Ramsay Ward. The severed lot would have frontage of approximately 340m (1,115.5ft) onto Wolf Grove Road. The severed lot would accommodate the existing residential dwelling, garage, drive shed and barns with a retained lot being created for recreational purposes and the eventual construction of a residential dwelling and workshop. The retained portion of land would maintain a lot area of 26.6ha (65.8ac) with approximately 350m (1,148.3ft) of frontage onto Wolf Grove Road.

Community Official Plan:

The subject property has an Official Plan designation of Rural. Section 3.3.6 of the Community Official Plan states that severances and lot creation are permitted on lands designated Rural, but are limited to two lots plus the retained lot, except where otherwise specially provided in the plan. Section 3.3.6-Severances and Lot Creation, permits severances for rural non-farm residential lots that are designated Rural, subject to the land holding permitting a maximum of two severances. A land holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original Township lot. The subject property is a parcel of land held in conveyable ownership as of July 1, 1973. Based on the rural policies in the Community Official Plan, the owner has the ability to acquire two severances on the property.

Section 3.3.6.5(i) states that the access point of the driveway onto the public road must be located so that no safety hazards are created. It also requires that a severance shall be permitted only where the centre of the driveway shall be 150 metres from immediate neighbouring driveways on the same side of the road. The driveway between the proposed severed lot and the existing non-farm residential lot is well over 300m (984.3ft), providing the ability to provide a new entrance for the retained lot and to satisfy the requirements of the policy.

Section 3.3.6.5 (iii) of the Community Official Plan requires that the retained lot and the severed lots have frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Both the severed and retained lots have direct frontage onto Wolf Grove Road, which is currently owned and maintained by the Town of Mississippi Mills.

Section 3.3.6.5 (vi) of the Community Official Plan requires a minimum lot size of 1 hectare for a non-farm residential lot. The proposed severed lot and retained lot exceed the minimum lot size requirement.

Section 3.3.5 – Residential Development, in the Community Official Plan requires all residential dwellings to be subject to the minimum distance separation calculation. In this case, there are two active livestock operations that will impact potential future residential dwellings. The subject lands include the severed lands which form the basis of this application as it includes a livestock barn and two livestock barns near the north-west intersection of the Wolf Grove Road and the Tatlock Road. These operations require a minimum separation distance of 256m (839ft) and 226m (742ft) respectively to any proposed future dwelling on the retained lands. There are sufficient lands to accommodate the required MDS setback requirements.

Zoning By-law 01-70:

The subject properties are currently zoned Rural (RU). The Rural (RU) zone permits a range of rural and agricultural uses including a single detached residential dwelling. For lands intended to be used for non-farm residential, the by-law requires a minimum lot area of 1 ha (2.47ac) and a minimum lot frontage of 45m (147ft).

Application B12/039 requests approval to sever the existing single family dwellings, accessory building and barns deemed of value to the agricultural operation. The retained lands would have a lot area of 26.6ha (65.7ac) with approximately 1,566m (5,137.8ft) of frontage. Both the severed and retained lands meet the minimum lot standards set out by the local zoning by-law.

Zoning by-law 11-83 requires that no residential, institutional, commercial, industrial or recreational use may be located on a separate lot within the required minimum distance separation setback. In this case, there are two livestock operations that need to be considered, being the severed land owned by Scott McLellan and the farm on the north west side of Wolf Grove Road currently owned by Mr. Berger. Based on the Ministry of Agricultural minimum distance separation requirements, the residential dwelling must be at least 256m (839ft) from the barns on the severance portion and 226m (742ft) from the Berger barns. The retained lands are able to accommodate the require Minimum Distance Separation setback requirements for a future dwelling.

Conclusion

The proposed severance is consistent with the Community Official Plan policy regarding severances and lot creation and is consistent with the zoning by-law.

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

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

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.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a developed 11.5-ha lot, and retain a vacant 63.9-ha building lot.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a portion of an unclassified wetland extends onto the proposed severed land. In addition, a tributary of Union Creek travels through this wetland and onto the severed lands. The same unclassified wetland exists on a portion of the retained lands with the same tributary travelling through it.

REVIEW

Natural Heritage Values *Watercourse & Wetland*

Sufficient area appears to exist on the proposed retained lands to accommodate future development that complies with the current standards for development adjacent to a watercourse and wetland. Concerning the severed lands, they are already developed with no new development proposed at this time; therefore, we do not anticipate any significant impacts to these features as a result of the subject application.

Natural Hazards *Organic Soils*

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Sufficient area appears to exist on the proposed retained lands to accommodate future development outside of areas consisting of organic soils. With respect to the severed lands, they are already developed with no new development proposed at this time.

RECOMMENDATIONS AND CONCLUSIONS

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

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

NOTES

The property owner should be advised that in the event shoreline work is proposed along the watercourse, 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 watercourse 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.

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – 1 11.5 hectare parcel of land with 2 existing houses both served with separate wells and septic systems. Land slope, drainage and soil depth can vary.
Recommendations – additional sandy loam fill may be required in future replacement areas of septic systems.

Retained – A 63.9 hectare parcel of land. There are no existing buildings. Land is a mixture of fields, bush and low water area. Recommendations – additional sandy loam fill may be required in area of future tile bed.

County Public Works

- 1/ The applicant has an approved existing entrance to the County Road (Permit No. 2374).
- 2/ Entrance is not required to be installed prior to deed endorsement.
- 3/ Severed lands have an existing approved residential entrance – permit No. 2374. Proposed retained land to gain access off a local municipal road (Currie Road).
- 4/ Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – HONI advises that they have no comments or concerns.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever an 11.5-ha landholding with an existing dwelling, drive shed, garage and storage barns and retain a 63.9-ha vacant landholding.

The subject lands are located in an area characterized by Residential on large landholdings Tatlock Road, Currie Road and Wolfgrove Road.

The severed lands are accessed via Wolfgrove Road, a County maintained roads, and the retained lands are accessed via Wolfgrove Road and Tatlock Road, both County maintained roads and Currie a municipally maintained road.

Soils Inventory – Name: Tennyson

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

Bedrock Inventory – marble, calc-silicate rocks, skarn

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS, the County Official Plan and Community 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 – August 20, 2012**

Trudy McLellan, owner and Scott McLellan, spouse of owner, attended the hearing and gave evidence under oath.

Ms. McLellan confirmed that their lands had been consolidated on title.

Mr. McLellan advised that they intended building off Currie Road, and that no extension of the maintained road would be required.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The applicants shall satisfy all the requirements of the Town of Mississippi Mills, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to

determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

8. A letter shall be received from the County of Lanark Public Works department stating that condition #7 has been fulfilled to their satisfaction.
9. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds, Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the future replacement septic system area on the severed lands and the future septic system area on the retained lands.*
2. *The Mississippi Valley Conservation requests that the following mitigative measures are adhered to for any future development on the proposed retained lands:*
 - a. *Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the watercourse and the wetland.*
 - b. *The shoreline vegetation surrounding the wetland and the watercourse shall be retained to a minimum depth of 15 metres.*
 - c. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands, unnamed watercourse, or onto adjacent properties.*
 - d. *The wetland shall remain undisturbed.*
3. *Also the property owner is advised that in the event shoreline work is proposed along the watercourse, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
4. *In addition, any proposed works in or near the watercourse 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.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Walter and Joyce White **Hearing Date:** August 20, 2012
Agent: ZanderPlan Inc. (Tracy Zander)
LDC File #: B12/041
Municipality: Township of Drummond / North Elmsley
Geographic Township: Drummond **Lot:** 23 **Conc.:** 11
Roll No. 0919 919 025 60500 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 2.0-ha parcel of land as a lot addition to lands owned by Blair White at 579 White Road, and retain a 113-ha landholding with an existing residential dwelling at 509 White Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---------------------------|----------------------------|
| Existing Use | Vacant | Residential |
| Proposed Use | Vacant | Residential |
| Area | 2.0-ha | 113.0-ha |
| Frontage | 168 m | 1370 m |
| Depth | 128 m | 1300 m |
| Road - Access to | none | White Road |
| Water Supply | None | Private Well |
| Sewage Disposal | None | Septic System |
| Official Plan Designation -Conformity? | Rural and Wetland Yes | |
| Zoning Category | Rural | Rural & Wetland |
| -Area Required (min.) | n/a - addition | 10.0-ha |
| -Compliance? | | Yes |
| -Frontage Required (min.) | | 45 m |
| -Compliance? | | Yes |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services Section 5.0 Natural Heritage, Section 8.2.2 Consents.

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

Official Plan – Section 3 General Provisions, Section 3.15 Natural Heritage, Section 3.18 Water and Wastewater Services, Section 3.17.1 Solid Waste Disposal, Section 4.3 Rural Policies, Section 4.6 Wetland Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

Zoning By-law - Section 4 General Provisions, Section 7 Rural Policies.

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 Planners Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severance and lot addition is consistent with the Township's Official Plan and Zoning Bylaw.

It is my understanding that the applicants wish to sever a 2 hectare (5 acre) parcel from their 111 hectare (274 acre) landholding and attach it to an adjacent 2 hectare lot owned by Blair White, located at 579 Drummond Concession 12D. The lands to be enlarged contain a residential dwelling and the severed lands are vacant (open field). The retained lands consist of 2 abutting parcels owned by Walter White, with separate assessment roll numbers but according to the applicant, they were inadvertently merged on title into one large lot. These lands consist of fields, bush, some wetlands and a dwelling with farm buildings. The dwelling on the lot (civic# 509 Drummond Conc. 12D) is located about 500 m from the lands to be severed.

The severed lands and lands to be enlarged are designated Rural in the Township's Official Plan, as are most of the retained lands. There is some designated Wetland on the retained lands but it is located at such a distance that it does not impact on this application. There is no proposed change of use on the severed lands. Section 4.3 .2.2 of the Official Plan requires that the approval authority have regard for the protection of agricultural uses in Rural designated lands and I note that this application does appear to remove some agricultural land from a larger farm operation. Given that this proposal addresses what appears to be pastureland as opposed to prime cropland and is of a small enough extent that it does not appear to limit the overall viability of any farming operation on the retained lands, I am satisfied that this application is consistent with Section 4.3.2.

As indicated in the application, I note that 5 lots have been created from the retained lands (as they existed in 1979). I also note that the severed lands do not have adequate frontage on an opened public road (fronting only on an unopened allowance). As such, the severed lands could not be approved as a stand-alone lot and this evaluation is based on the fact that the severed lands must be merged with 579 Drummond Conc. 12D. This results in no additional lots and as such there should be no additional impact on municipal services or infrastructure.

The severed lands and lands to be enlarged are both zoned Rural and this application maintains compliance with the Zoning By-Law. Given the foregoing, Drummond/North Elmsley Township supports the above severance provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

1. The severed lands shall be for a lot addition only to adjacent lands owned by Blair White.
2. The balance of any outstanding taxes and fees owing shall be paid to the Township.

3. The applicant shall provide the Township with a registered copy of all reference plans associated with this application.

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.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a 2-ha vacant lot as a lot addition to the adjacent lands. The proposed retained land is 113 ha. Both the lot to be enlarged and the retained lands are already developed.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, two wetlands, which form part of a larger complex referred to as the *Scotch Corners Wetland Complex*, are located on the retained lands.

This wetland complex has been classified as Provincially Significant Wetland (PSW) by the Ministry of Natural Resources. In addition, Ruttle Creek, and a tributary thereof, travels through the retained lands. No natural heritage features or natural hazards were identified on the severed lands.

REVIEW

PSW

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 metres of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally addressed through the preparation of an Environmental Impact Statement (EIS). However, in this case, the PSW is located on the retained lands which are already developed with no new development proposed. Therefore, it is our opinion that there is limited value in conducting an EIS at this Time. In the event that future development is proposed within the adjacent lands of these features, an EIS may be required at that time.

Watercourse

MVC reviews waterbody setback requirements in accordance with guidelines prepared in support of the Provincial Policy Statement (PPS). These guidelines indicate that development shall not be permitted within 30 metres of fish habitat unless it has been determined that there will be no additional negative impacts to this natural heritage feature.

Ruttle Creek travels through the retained lands. However, these lands are already developed with no new development proposed at this time. Therefore, no impacts to the creek are anticipated.

CONCLUSIONS & RECOMMENDATIONS

With all of the above in consideration, MVC does not have any objection to the subject application.

NOTES

The property owner should be advised that any alterations to the shoreline of Ruttle Creek or interference within 120 metres of the PSW require written permission 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 PSW or watercourse 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.

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – A 2 hectare parcel of land with no existing buildings. Land is to be an addition to an existing lot of record. Recommendations – an addition to an existing lot only.

Retained – A 113 hectare parcel of land. Land is mainly open field and bush. Slope and drainage can vary. Recommendations – additional sandy loam fill will be required in future tile bed area.

(c) PLANNING REVIEW

The applicant proposes to sever 2.0-ha parcel of land as a lot addition to lands owned by David White at SW ½ Lot 23 Conc. 11, Drummond - 579 White Road and retain a 113-ha landholding at 509 White Road..

The subject lands are located in an area characterized by typical residential lots interspersed with large landholdings along White Road. The hamlet of Innisville is lot to the north west. Highway No. 7 is approx. 180 m north west of the lands.

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

The area has considerable land masses mapped as 'woodlands', however none are located on the lands to be severed. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

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

which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – August 20, 2012

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

Ms. Zander confirmed that the retained lands had been consolidated on title. Ms. Zander also advised that the lot addition does not have road frontage and could not be considered as an individual buildable lot.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Blair White described as Part 1, Plan 27R-7444 being Pt. SW ½ Lot 23 Conc. 11 Drummond, and any subsequent transfer, charge or other conveyance of the

lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
6. 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.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that any alterations to the shoreline of Ruttie Creek or interference within 120 metres of the PSW require written permission from MVC, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *In addition, any proposed works in or near the PSW or watercourse 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.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in any replacement tile bed area on the retained lands.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Thomas Gardiner **Hearing Date:** August 20, 2012
Agent:
LDC File #: B12/042
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 3 **Conc.:** 9
Roll No. 0924 000 025 05800 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 4,799 m² parcel of land as a lot addition to lands owned by Jeffrey and Sandra Neron at Pt. Lot 3 conc. 9 Beckwith, being lot 14 Plan 5570.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---------------------------------------|------------------------------|
| Existing Use | Vacant | Vacant |
| Proposed Use | Vacant | Vacant |
| Area | 4,799 m ² | Irregular |
| Frontage | 30.38 m | Irregular |
| Depth | 107 m | 47 ha |
| Road - Access to | Private Road | Private Road |
| Water Supply | n/a | None |
| Sewage Disposal | n/a | none |
| Official Plan Designation -Conformity? | Flood Plain, Wetland and Rural Yes | |
| Zoning Category | Flood Plain & Wetland | Flood Plain, Wetland & Rural |
| -Area Required (min.) | n/a – lot addition | 0.4-ha |
| -Compliance? | | Yes |
| -Frontage Required (min.) | | 45 m |
| -Compliance? | | yes |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation 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.

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.4 Water, Waste Water and Stormwater Services Section 5.0 Natural Heritage, Section 7.3 Flooding and Erosion, Section 8.2.2 Consents.

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

Official Plan – Section 4 General development Policies, Section 6.4 Flood Plain, Section 6.6 Rural Land, Section 7.4 Private Roads, Section 9.10 Committee on Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, section 5.4 Rural Residential, Section 12.1 Flood Plain.

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

(b) AGENCY REVIEW

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

Township Planner's Report

Severance application B12-042 is a lot line adjustment to transfer approximately 1.2 acres

to an adjacent property. The effect of the severance application would be to enlarge an existing undersized waterfront property in the Township.

NOTICE OF APPLICATION

Staff provided the County of Lanark with the property owners within 60m of the subject property.

DESCRIPTION OF SUBJECT LANDS

The subject property is approximately 110 acres and is heavily constrained by wetlands and floodplain areas. The majority of Squaw Point was developed from severances from the subject property.

PROVINCIAL POLICY STATEMENT.

Section 2.1 of the PPS regards natural heritage. The policies prohibit development, including new lot creation within areas of significant wetlands or adjacent lands.

Mississippi Valley Conservation has commented on the proposed severance and does not have any objections to the severance, but acknowledges that if any development on the lot enlargement is proposed in the future, and environment impact statement may be required.

OFFICIAL PLAN

The subject property contains several designations. The area of the lot enlargement is designated wetlands in the OP. Conservation and open space uses are permitted within this designation.

Section 4.5 regards land division. These policies prohibit the creation of new lots within areas with environmental or physical factors that would constrain development. As the proposed severance is not creating a new lot, but rather enlarging an existing lot, it would appear to be permitted under the land division policies.

ZONING BY-LAW

The area of lot enlargement is zoned wetlands within the Township zoning by-law. Permitted uses within the wetlands zone include conservation, park, open space and agricultural uses excluding buildings.

The property that will be enlarged with this severance application consists of 0.23 acres, which is significantly less than the 0.99 acres required by the zoning by-law in the RLS zone. The severance application will serve to increase this undersized lot to the required area. It should be noted that while the severance application will serve to increase the undersized lot, the additional lot area cannot be used for development of any kind as the wetland zone does not permit the construction of buildings or structures.

OPTIONS / ANALYSIS

The proposed severance will serve to increase an undersized waterfront lot within the Township. Staff notes that there have been several of these lot enlargements completed off the subject property in recent years.

COMMENTS

Mississippi Valley Conservation has provided comments on the application. They do not have any objections to the proposed severance, but caution that development is not presently permitted on the property.

The Health Unit has also commented on the application. The Health Unit does not have any objection to the proposed severance.

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

Condition:

- The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;
- The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application;
- That access to Squaw Point Road not be altered for the surrounding residents.

Notes:

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

Conservation Authority

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.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a 0.48-ha vacant lot as a lot addition to the adjacent lands, which are already developed. The proposed retained land is a vacant 45-ha parcel. The lot to be enlarged is already developed, with frontage on Mississippi Lake.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a large portion of the proposed retained land is comprised of a Provincially Significant Wetland (PSW) referred to as the *Mississippi Lake PSW*. In addition, a large portion of the retained land is within the 1:100 year flood plain and MVC's Regulation Limit. The proposed severed lands are partially located within the 120 metre adjacent lands to the PSW; however, they are not located within the flood plain. The lot to be enlarged is partially located within the flood plain and the Regulation Limit of Mississippi Lake.

REVIEW

PSW

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 120 metres of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally addressed through the preparation of an Environmental Impact Statement (EIS). The retained lot consists of a portion of the PSW and its 120 metre adjacent lands, and the severed lot is located within the adjacent lands. In this case, sufficient area remains on the retained lands for future development located beyond the PSW and its adjacent lands. Concerning the severed lands, this parcel is being added to a property which is already developed with no new development proposed. Therefore, it is our opinion that there is limited value in conducting an EIS at this time. In the event that future development is proposed within the adjacent lands of this feature, an EIS may be required at that time.

Flood Plain

Flood plain has been identified on the proposed retained land and the lot to be enlarged. However, sufficient area remains on the retained land for future development outside of the flood plain. With respect to the lot to be enlarged, it is already developed with no new development proposed at this time.

With all of this in consideration, the flood plain is not considered a constraint to the subject application.

CONCLUSIONS & RECOMMENDATIONS

With all of the above in consideration, we do not have any objection to the subject application.

NOTES

An EIS may be required for potential future development within 120 metres of the PSW. As previously indicated, a portion of the proposed retained land and the lot to be enlarged is located within the 1:100 year flood plain and MVC's Regulation Limit. In addition, a portion of the retained land consists of a PSW and its 120 metre adjacent lands. The severed lands are also located within the 120 metre adjacent lands to the PSW. These areas are regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore,

the applicant should be advised that written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading) within the flood plain or MVC's Regulation Limit and for any interference within 120 meters of the PSW. In addition, any proposed alterations to the shoreline of the lake require written permission from MVC.

In addition, any proposed works in or near the lake 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. Any proposed works in or near the PSW or Mississippi Lake 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.

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed –The portion to be severed is 30.38 metres by 107 metres. It is intended to be added to the property 257 Squaw Point Road, which contains a dwelling. Drainage appears to be toward the lane. This portion is mainly treed. Recommendation – the property is planned to be added to property that contains a dwelling.

Retained – The portion to be retained is 45 hectares. It is currently vacant and is mainly treed. Drainage appears to be toward the lake. Recommendation – there is currently no intent to build a residence on this property.

(c) PLANNING REVIEW

The applicant proposes to sever 4,799 m² parcel of land as a lot addition to lands opened by Jeffrey and Sandra Neron at 257 Squaw Point Road. The additional lands will increase the lot size to 0.57-ha which will then conform to the minimum lot requirements of the zoning by-law, however the frontage remains non-conforming.

The subject lands are located in an area characterized by seasonal residential on typical smaller type lots along the waterfront.

The lands are accessed via Squaw Point Road, a private road which adjoins Scotch Corners Road, a municipally maintained road.

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

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County and Official Plan for the Township of Beckwith 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 – August 20, 2012**

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:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.

5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
6. 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.
7. The applicant shall provide the Township of Beckwith with confirmation that the existing right-of-way, being Squaw Point Road, is not to be affected by the severance applications.
8. A letter shall be received from the Township of Beckwith stating that condition #5 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *The Mississippi Valley Conservation advises that a portion of the proposed retained land and the lot to be enlarged is located within the 1:100 year flood plain and MVC's Regulation Limit. In addition, a portion of the retained land consists of a PSW and its 120 metre adjacent lands. The severed lands are also located within the 120 metre adjacent lands to the PSW. These areas are regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, the applicant is advised that written permission is required from MVC prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading) within the flood plain or MVC's Regulation Limit and for any interference within 120 meters of the PSW. In addition, any proposed alterations to the shoreline of the lake require written permission from MVC.*
3. *In addition, any proposed works in or near the lake 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. Any proposed works in or near the PSW or Mississippi Lake 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.*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Leonard & Judy Fisher

Hearing Date: August 20, 2012

Agent:

LDC File #: B12/043

Municipality: Township of Drummond / North Elmsley

Geographic Township: North Elmsley

Lot: 3 **Conc.:** 8

Roll No. 0919 908 010 43501

Consent Type: New Lot

Purpose and Effect: To sever a 27-ha vacant landholding and retain a 13.0-ha landholding with an existing dwelling and storage facility located at 394 Porter Road. This application is a re-submission of application B10/084 which was allowed to lapse. The lands to be severed are accessed via Glenview Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|----------------------------------|-----------------------------|----------------------------|
| Existing Use | Vacant | Residential |
| Proposed Use | Residential | Residential |
| Area | 27.0-ha | 13.0-ha |
| Frontage | 516 m | 315 m |
| Depth | 518 m | 518 m |
| Road - Access to | Municipal | Municipal |
| Water Supply | Proposed | Private Well |
| Sewage Disposal | Proposed | Septic System |
| Official Plan Designation | Rural and Aggregate Reserve | |
| -Conformity? | Yes | |
| Zoning Category | Rural | Rural & Aggregate Reserve |
| -Area Required (min.) | 0.4-ha | 0.4-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 45 m | 45 m |
| -Compliance? | Yes | Yes |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.5 Mineral Aggregate Resources

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

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

Section 2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act.

3.1 Natural Hazards

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services Section 5.0 Natural Heritage, Section 6.1 Agricultural Resources, Section 8.2.2 Consents.

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

Official Plan – Section 3 General Provisions, Section 3.15 Natural Heritage, Section 3.18 Water and Wastewater Services, Section 3.17.1 Solid Waste Disposal, Section 4.3 Rural Policies, Section 4.4 Agricultural Policies, Section 4.6 Wetland Policies, Section 4.8 Aggregate Resource, Section 5.3 Local Roads, Section 6.3 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, Section 20 Aggregate Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severance is consistent with the Township's Official Plan and Zoning By-law. Additionally, I note that these severances were previously provisionally approved by the County in 2010, although the approval had lapsed since the conditions of the draft decision were not all met within the required time frame. The lot proposed pursuant to this application is the same as that previously supported.

To summarize, the applicants are looking to split their 40 hectare (100 acre) to create a 27 hectare lot, which is currently vacant, while retaining a 13 hectare portion, which contains a dwelling and some outbuildings. The retained lands are accessed from Porter Road (Civic #394) and the severed lands front on Glenview; both opened Township roads. The bulk of the severed and retained lands are designated Rural according to the Township's Official Plan, however there is a small identified Aggregate Reserve located on the retained portion. Section 3.18 of the Plan restricts development within 300 metres of the aggregate pit reserve unless it can be shown that any such development does not negatively impact any future extraction of the reserve. This influence area extends into the proposed severed lands, however given that there is ample space on this proposed lot in which to develop that is outside the influence area, it should not be necessary to ask the applicant to provide an impact assessment report. Additionally, a livestock barn was identified on the retained lands as part of the processing of the original application in May 2010. As such, in accordance with Section 3.3 of the Plan, a Minimum Distance Separation calculation was done, which revealed there was an adequate distance between the cattle facility and the new lot. In addition to the above, Sections 3.7 (Division of Land), 3.25 (Rural Character) and 4.3 (Rural) were reviewed by Staff and it was determined that the proposed severance is consistent with the intention of the Rural Designation and met all applicable provisions of the underlying Rural (RU) Zone. The Township's Public Works Manager does not anticipate concerns with regards to access to the proposed lot.

Given the foregoing, Drummond/North Elmsley Township supports the above severances provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- 1/ The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2/ The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3/ Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- 4/ The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
- 5/ The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording: TAKE NOTICE that a portion of this lot is located within the Influence Area of an aggregate reserve deposit which is located to the southeast in part of Lot 3, Concession VIII, Geographic Township of North Elmsley, Township of Drummond/North Elmsley. As such it may be exposed to impacts typically associated with such a use including noise, dust, vibration and other nuisances should a pit operation be established on the property in the future.

Conservation Authority – RVCA has advised that their comments on B10/084 remain the same. Copy of comments dated June 23, 2010 are re-printed below.

The subject application has been reviewed by the Rideau Valley Conservation Authority.

We have visited the site and have the following comments for the Committee's assistance.

The proposal involves the creation of a new 27 ha lot for a retirement home. The 13 ha retained parcel is to remain a farm operation. Our wetland mapping indicates that there are portions of a locally significant wetland adjacent to the retained parcel, although the wetland boundary appears to be west of the lot boundary on Porter Road.

In addition, our mapping indicates that there is a provincially significant wetland (PSW) designation on the associated wetland across Porter Road. It is this wetland designation which has impact on the retained lot. The area of influence, *ie, our regulatory limit relating to the PSW*, extends north and west parallel to Porter Road on the retained lot, to include the area occupied by the farm buildings and existing residence. Under Ontario Regulation 174/06, "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", requires prior written approval from the Rideau Valley Conservation Authority.

Please also note that the watercourse known as the Ford Drain appears to traverse the parcel to be severed. This watercourse is a "C" category, stream, with bait fish habitat. Again, any alteration to the watercourse is subject to the Authority's Regulation 174/06. Written approval of the Conservation Authority is necessary prior to straightening,

changing, diverting, or interfering in any way with the existing channel of a watercourse. We would give consideration to fish habitat concerns as part of any regulatory review.

More generally, the RVCA recommends a 30 metre development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land. It appears that a building envelope is readily available on the severed parcel without encroaching within 30 metres of the watercourse.

We have no objection to the application provided these above noted concerns are addressed and provided the Township is satisfied in regard to the requirements of the Official Plan and Zoning By-law.

Trusting this is satisfactory and thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – A 27 hectare parcel of land with no existing buildings. Land is primarily agricultural fields. Recommendations – additional sandy loam fill may be required in area of future tile bed.

Retained – A farm parcel 13 hectares in size with an existing farm house and various outbuildings. Recommendations – additional sandy loam fill may be required in the area of future replacement 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 a 27.0-ha vacant landholding and retain a 13.0-ha landholding with an existing dwelling and outbuildings.

The subject lands are located in an area characterized by Residential on large landholdings along Glenview and Porter Roads. Typical Residential development is present on Glenview Road southerly toward Highway 43. The CPR Rail Line is approximately 2 km's south of the lot.

The aggregate reserve located on the retained lands is a non-licensed aggregate area. The influence area (300m) of the site is partially on the lands to be severed, however with the size of the lot, there is ample room to situate a building envelope outside the influence area.

An agricultural operation is located on the adjacent lands; therefore a MDS Calculation was prepared and submitted to the County. The MDS Calculation requires a minimum setback of 250 m; the actual setback has been calculated at 260 m. Therefore the proposal meets the requirements of MDS; however a cautionary note should be included on the deed to advise future landowners of the proximity to a livestock operation.

The lands to be severed are accessed via Glenview Road and the retained lands are accessed via Porter Road, both being municipally maintained roads.

Soils Inventory – mixture

| | |
|-----------------------------------|----------------------------|
| South Section - Name: North Gower | North Section - Farmington |
| - Stoniness: non-stony | - slightly stony |
| - CLI: 2 – Moderation limitations | - 6 – natural grazing only |
| - Drainage: poorly drained | - well drained |
| - Hydrogeology: high run-off | - moderate infiltration |

Bedrock Inventory – Dolostone, sandstone

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS 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 – August 20, 2012

Leonard and Judy Fisher, owners attended the hearing and gave evidence under oath.

Mr. Fisher confirmed that there is an existing Bell easement along Porter and Glenview Roads.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall recognize any easements that currently exist.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "A portion of this lot is located within the Influence Area of an aggregate reserve deposit which is located to the southeast in part of Lot 3, Concession VIII, Geographic Township of North Elmsley, Township of Drummond/North Elmsley. As such it may be exposed to impacts typically associated with such a use including noise, dust, vibration and other nuisances should a pit operation be established on the property in the future.
5. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
6. 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.
7. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
8. 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.
9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
10. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
11. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to

the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

12. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #6 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that under Ontario Regulation 174/06, "Development Interference with Wetlands and Alterations to Shorelines and Watercourses", requires prior written approval from the Rideau Valley Conservation Authority.*
2. *The watercourse known as the Ford Drain appears to traverse the parcel to be severed. This watercourse is a "C" category stream, with bait fish habitat. Any alteration to the watercourse is subject to the Authority's Regulation 174/06, written approval of the Conservation Authority is necessary prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse.*
3. *The RVCA also recommends a 30 metre development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the tile bed area on the severed lands and in the future replacement tile bed area on the retained lands.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Timothy & Linda Vallee

Hearing Date: August 20, 2012

Applicant: Tim Vallee

LDC File #: B12/044

Municipality: Township of Drummond / North Elmsley

Geographic Township: Drummond

Lot: 22/23 **Conc.:** 12

Roll No. 0919 919 025 76801

Consent Type: New Lot

Purpose and Effect: To sever a 0.809-ha residential building lot and retain a 3.23-ha residential lot with an existing dwelling located at 184 Crampton Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|----------------------------------|---------------------------|----------------------------|
| Existing Use | Vacant | Residential |
| Proposed Use | Residential | Residential |
| Area | 0.809-ha | 3.23-ha |
| Frontage | 89 m | 94.7 m |
| Depth | 89 m | 327 m |
| Road - Access to | Municipal | Municipal |
| Water Supply | Proposed | Private Well |
| Sewage Disposal | Proposed | Septic System |
| Official Plan Designation | Rural | |
| -Conformity? | Yes | |
| Zoning Category | Rural | Rural |
| -Area Required (min.) | 0.4-ha | 0.4-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 45 m | 45 m |
| -Compliance? | Yes | Yes |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services, Section 5.0 Natural Heritage, Section 8.2.2 Consents.

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

Official Plan – Section 3 General Provisions, Section 3.15 Natural Heritage, Section 3.18 Water and Wastewater Services, Section 3.17.1 Solid Waste Disposal, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

The Township of Drummond / North Elmsley advises that the proposal conforms to the 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 Planner's Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severances are generally consistent with the Township's Official Plan and Zoning By-law.

It is my understanding that this severance application seeks to divide property owned by the Tim Vallee to sever a 0.809 ha (2 acre) building lot from a 4.04 ha (10 acre) landholding. Both the severed and the retained lands front on Crampton Road and the

retained portion has a dwelling, with a civic_address of 184. The proposed severed parcel appears to be primarily open scrub and is located adjacent a straightened watercourse, which forms part of a registered drainage easement for the nearby Wilson Cartage subdivision. The retained lands are cleared around the house but are heavily forested otherwise, with what looks like a pine plantation. The other side of Crampton Road is undeveloped however the subdivision, which is currently under development, is located beyond that. The subject lands (both severed and retained) are designated Rural in the Township's Official Plan, and do not fall under any mapped constraints as identified in Schedule "B". It should be noted that older Township mapping indicates an aggregate pit on the other side of Crampton Road (with the associated influence area buffer covering the Vallee property), however this designation and influence area were removed by an amendment to the Township's Official Plan through the Wilson subdivision process. The entire Vallee property and two adjacent parcels (which were severed from the Vallee landholding in 2008) are zoned RU-63, which increases the minimum front yard requirement to 25 m from 12.5. This site specific rezoning was a condition of the 2008 severance approval, which was imposed to ensure an adequate setback from the then operational pit. As the pit is decommissioned and removed, the necessity for the site specific rezoning is removed and the Township would consider a restoration of the Rural Zone for the severed and retained lands. I also note that a development agreement was approved by Council in 2009 pursuant to the same severance application that required the owners of the said lands (now 124, 136 and the remaining Vallee property) to acknowledge the influence area of the aggregate pit and also to not build within a 30 m setback of the existing watercourse. While the aggregate pit provision in the development agreement would no longer apply, the setback provision for the watercourse would, particularly given that the proposed severed lot abuts this watercourse. I note in the Conservation Authority's reply that they have also identified certain wetland and organic soil characteristics in the area of the severed lands and suggest that the proposed lot line be adjusted westward to allow a suitable building envelope outside these potential hazard lands. Given that the Township's new Official Plan discourages development in lands that have potential natural hazards, the Township would support such a suggestion. In light of this information, the Township would also suggest that a revised development agreement or site plan control application be included as a condition of the severance to ensure the proper development and/or site alterations on the severed lands. The Township's Public Works Manager was consulted as part of this evaluation and he did not foresee concerns with providing an additional road entrance on Crampton, however he did note that this application should not have any impact on the Township's ability to access and maintain the aforementioned drainage easement.

In the planning evaluation, Staff also reviewed Sections 3.7 (Division of Land), 3.18 (Influence Areas), 3.21 (Noise Attenuation), 3.23 (Provincial Highways) and 4.3 (Rural) of the Official Plan and note that the application is consistent with all provisions, provided that the above concerns are addressed. I further advise that this proposed lot is the final severance permitted on this original lot of record and any additional lot creation could only occur through plan of subdivision or condominium.

Given the foregoing, Drummond/North Elmsley Township supports the above severance provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- 1/ The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2/ The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3/ Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- 4/ The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
- 5/ The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley. The applicant shall consult directly with the Township in this regard.
- 6/ The Applicant shall enter into Site Plan Control or Development Agreement with the Township to address the concerns with regards to watercourse setbacks and natural hazards and to ensure the continued protection of the drainage easement on *the* severed and retained lands.
- 7/ The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:
TAKE NOTICE that this lot is located within 250 metres of a provincial highway which is located to the southeast in part of Lot 13, Concession 23, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise.

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.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 2.0 ac lot and retain an 8.0-ac landholding with an existing residence.

PROPERTY CHARACTERISTICS

A review of available GIS mapping and aerial photography, in addition to a site visit, revealed that an altered, unnamed watercourse travels the southeastern side of the proposed severed lands. In addition, the majority of the proposed severed lands are located in a lowland area which displays various wetland characteristics and may comprise organic soils. Immediately northwest of this lowland area is forested upland

which forms part of the retained lands. A portion of the aforementioned watercourse is also located within 30 metres of the retained lands.

REVIEW - Natural Heritage Values

Watercourse

A minimum 30 metre setback from the unnamed watercourse is recommended for future development on the proposed severed lands.

Lowland

As previously indicated, a lowland area comprises the majority of the proposed severed lands. These areas, particularly those which display wetland characteristics, provide various environmental benefits ranging from habitat for flora and fauna to acting as a natural filtration system for clean groundwater. Therefore, MVC strongly encourages their preservation. Sufficient area does not currently exist on the proposed severed lands to direct development outside of the more predominant portion of this lowland. Therefore, we recommend that the northwestern lot line be adjusted so that it extends further northwest into the forested upland area located on the retained lands. The lot line should be sufficiently extended to provide a building envelope that minimizes disturbance of this lowland.

With respect to the retained lands, they are already developed with no development proposed at this time.

Natural Hazards

Organic Soils

Lowland features often consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. It is, therefore, recommended that development occur outside of these poorly drained areas. In the absence of a soils analysis which demonstrates otherwise, we assume that organic soils are present in the lowland area and reiterate our recommendation to extend the side lot line as outlined above, to establish a building envelope beyond organic soils. However, if the application is approved as currently submitted and the lot line is not adjusted, a soils analysis should be conducted on the proposed severed lands as a condition of severance. If organic soils are confirmed within a proposed building envelope, it should be demonstrated, through acceptable engineering techniques, that the presence of organic soils can be overcome or mitigated.

CONCLUSION AND RECOMMENDATIONS

With all of the above in consideration, we recommend the following on the proposed severed lands:

- The northwestern lot line shall be adjusted so that it extends further northwest into the forested upland located on the retained lands. The lot line should be sufficiently extended to provide a building envelope that minimizes disturbance of the lowland area.
- A minimum 30 metre setback from the seasonal high water mark of the unnamed watercourse shall be maintained for future structures and a septic system.
- The vegetation along the watercourse shall be retained to a minimum depth of 15 metres

NOTES

The property owner should be advised that in the event shoreline work is proposed on the severed lands, 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 unnamed watercourse, located on the severed lands, 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.

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – A 2 acre vacant parcel. Land is low and has signs of seasonal wetness. Land has no existing buildings. Recommendations – Additional sandy loam fill will be required in the area of future tile bed.

Retained – An 8 acre parcel of land with an existing house serviced by a well and septic system. Land is relatively flat – with mixture of bush and swampy areas.
Recommendation – additional sandy loam fill will be required in area of the future tile bed.

Hydro One Networks – HONI advises that they have no comments or concerns.

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

MTO – No comments were received.

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.89-ha residential building lot and retain a 3.23-ha residential lot with an existing dwelling located at 184 Crampton Road.

The subject lands are located in an area characterized by Residential on a variety of lots sizes. Wilson Subdivision is located to the west and the settlement area of Innisville is located to the south west.

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

Although the zoning mapping indicates that there is an extractive operation located to the west, this area was removed through a zoning amendment to allow for the area to be developed as part of a plan of subdivision.

As noted in the Conservation Authority comment letter, they are suggesting that the lot line in the north west corner be adjusted to provide a building envelope that minimizes disturbance of the lowland area. The Township Planner concurs with the suggestion and a revised sketch has been provided for consideration.

Bedrock Inventory – flows, tuffs, breccias

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS, County Official Plan 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 – August 20, 2012

Tim & Linda Valleee, owners attended the hearing and gave evidence under oath.

Mr. Vallee agreed to the changes to the dimensions of the lands to be severed to include all the wet area within the lot to be severed as suggested by the Conservation Authority.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the

Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented August 20, 2012.
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot this lot is located within 250 metres of a provincial highway which is located to the southeast in part of Lot 13, Concession 23, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise."
5. 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.
6. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
7. 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.
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
11. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley . The wording of the agreement shall be acceptable to the Municipality and shall address the

concerns of the Municipality and the Conservation Authority as outlined in their reports of June 22, 2012 and June 12, 2012 respectively, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.

12. A letter shall be received from the Mississippi Valley Conservation stating that condition #11 has been fulfilled to their satisfaction.
13. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #5 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that in the event shoreline work is proposed on the severed lands, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *In addition, any proposed works in or near the unnamed watercourse, located on the severed lands, 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.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the tile bed area on the severed lot and in the future replacement tile bed area on the retained lands.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *The Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: David Lauzon **Hearing Date:** August 20, 2012
Agent: Martin Whyte
LDC File #: B12/046, B12/047 and B12/048
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 12 **Conc.:** 1
Roll No. 0911 916 010 03100 **Consent Type:** 3 New Lots

Purpose and Effect: To sever three (3) residential lots (one with an existing dwelling at 722 Upper Scotch Line consisting of 2.63-ha, 3.23-ha and 5.26-ha and retain an 18.2-ha vacant landholding. All lands are accessed via Upper Scotch Line Road.

| DETAILS OF PROPOSAL | Land to be Severed | | | Land to be Retained |
|---|-------------------------------|--------------------|-------------------------|----------------------|
| | Vacant Residential | Vacant Residential | Residential Residential | |
| Existing Use | Vacant Residential | Vacant Residential | Residential Residential | Vacant |
| Proposed Use | Vacant Residential | Vacant Residential | Residential Residential | Vacant |
| Area | 2.63-ha | 3.23-ha | 5.26-ha | 18.2-ha |
| Frontage | 200 m | 200 m | 500 m | 700 m |
| Depth | 700 m | 700 m | 800 m | 1000 m |
| Road - Access to | Mun | Mun | Mun | Municipal |
| Water Supply | Proposed | Proposed | Private Well | None |
| Sewage Disposal | Proposed | Proposed | Septic System | None |
| Official Plan Designation -Conformity? | Rural and Agricultural Yes | | | |
| Zoning Category | Rural | | | Agricultural |
| -Area Required (min.) | 1.0-ha | | | 40 ha |
| -Compliance? | Yes | | | Legal Non-conforming |
| -Frontage Required (min.) | 60 m | | | 60 m |
| -Compliance? | Yes | | | Yes |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.3 Agriculture

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

County Official Plan – Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services, Section 6.0 Resources, Section 7.2 Identifying Hazard Areas, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan – Section 2 – General Development Policies, Section 2.18 Cultural and Heritage Resources, Section 2.19 Natural Hazard Features, Section 2.21 Natural Heritage Features, Section 2.2 Water Supply, Sewage Disposal, Section 2.23 Water Quality and Quantity, Section 3.2 Agriculture, Section 3.6 Rural Policies, Section 4.4 Township, Section 5.2 Land Division.

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

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

Tay Valley Township advises that the proposal complies with the provisions of 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:

Township Planner's Comments

The proposal is sever three residential lots; a 2.63 ha vacant lot, a 3.22 ha lot with a small shed and a 5.26-ha lot with a dwelling, barn & outbuildings, and to retain an 18.2-ha vacant parcel. Indicate the following:

Official Plan Designation: Rural & Agriculture

Zoning By-law Category: Rural & Agriculture

Applicable Sections 10.1 & 11.1 - The proposed lots meet the minimum lot area and frontage and the existing uses are permitted in the rural zone. The retained lands are zoned Agriculture and will remain vacant.

The MDS requires new house construction to be 85 m from Alpaca farm livestock building which can be met.

Rideau Valley Conservation Authority - Lot 1 and 3 have sections of the creek and Snye which will requires a 30m setback for disturbance or development. A portion of each of the proposed severed and retained lots is situated within the regulated area of the Snye; RVCA would not permit any development and/or any works, alterations to the grades and/or alteration to the watercourse within the regulatory flood plan.

MRSSO - has no objections to any of the proposed severances, both the severed and retained parcels are adequate to support the installation or replacement of a septic system greater than 30m from all water bodies and due to areas of exposed bedrock and shallow overburden, a clay seal and significant amounts of imported fill maybe required to construct a conventional septic system.

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

- 1/ That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- 2/ That, the applicant pay any outstanding fees to the Township prior to final approval.
- 3/ That, one (1) copy of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township for each application;
- 4/ That, the applicant submit to the Township the \$200 cash-in-lieu of parkland requirement for each application."

Conservation Authority

The Rideau Valley Conservation Authority has reviewed this application and undertaken a site visit. We offer the following comments based on:

Section 2.1 Natural Heritage (wetlands and wildlife habitat) and 3.1 Natural Hazards (floodplains) of the Provincial Policy Statement under Section 3 of the Planning Act. The Federal Fisheries Act 35(2), Waterfront setbacks and best management practices derived from the "Rideau Lakes Study" (1993); the study considers the effects of development on phosphorous loading and the protection of recreational water quality on waterbodies within the Rideau watershed, The Rideau Valley Conservation Authority regulation O.R.174-06 ("Development, Interference with Wetlands and Alterations to Shorelines") as per Section 28 of the Conservation Authorities Act.

The proposed severances will result in 3 new lots (in Lot 12) and one retained parcel (in Lot 13). Although the lot frontage and depth measurements listed on the applications do not appear to agree with the indications on our mapping, we understand from conversation with the applicant (M. Whyte) that proposed lots 1 and 2 will bisect the frontage between the creek and the existing farm driveway to result in lot frontage for each lot in excess of 100 metres. Proposed lot 3 appears to have 200 metres frontage. The retained lands in Lot 13 have approximately 200 metres of frontage. We proceed with our comment based on this understanding.

This site consists of mainly open "old" field and regenerating woodland with some well established low woodland along the Snye and the small tributary crossing the municipal road.

A portion of each of the proposed severed and retained lots is situated within the regulated area of the Snye and the associated small tributary collecting drainage from the south. As per Ontario Regulation 174-06, development within the regulated area, and/or any works, alterations to the grades and/or alteration to the watercourse on the property require prior written approval. Generally, the Rideau Valley Conservation Authority would not permit any such activities *within the regulatory floodplain* (i.e. below the 1: 100 year flood elevation of 147.09 metres geodetic) on any of these proposed and retained lots.

There are sections of the creek and Snye on proposed Lots 1 and 3 to which the standard 30 metre setback for disturbance/development from the channel of the watercourses exceed our regulatory limits. In these areas, we would support the more restrictive municipal minimum 30 metre setback from the watercourses.

We have not been made aware of any additional wildlife habitat concerns.

Provided the above comments are addressed within the conditions of the approvals, we do not object. Please advise us as to the Committee's decision regarding this application or any changes in its status.

Thank you for the opportunity to comment and please do not hesitate to contact us.

On-Site Services (Septics) – Mississippi Rideau Septic System Office

B12/046

A site visit was conducted at the above mentioned property by our office on May 25, 2012, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately 2.6 hectare (6.5 acre as per application) parcel, from the south western portion of the retained parcel to create a new lot. The proposed lot is currently vacant with mixed woods, open field, exposed rock with a creek running down the center of the proposed lot. The property backs on to Scotts Snye. No test pits were present for inspection.

The retained parcel is irregular in dimensions and approximately 18.2 hectares (45 acre as per application) in area. The retained parcel is currently vacant open fields, exposed rock, few trees, and a wetland in the area of Scotts Snye. The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant sewage system greater than 30m from all water bodies. Due to areas of exposed bedrock and shallow overburden, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

B12/047

A site visit was conducted at the above mentioned property by our office on May 25, 2012, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately 3.2 hectare (8 acre as per application) parcel, from the south western portion of the retained parcel to create a new lot. The proposed lot is currently vacant with few trees, open field, exposed rock and backs on to Scotts Snye. The applicant indicates there is an existing small barn on the proposed lot. No test pits were present for inspection.

The retained parcel is irregular in dimensions and approximately 18.2 hectares (45 acre as per application) in area. The retained parcel is currently vacant open fields, exposed rock, few trees, and a wetland in the area of Scotts Snye. The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant sewage system greater than 30m from all water bodies. Due to areas of exposed bedrock and shallow overburden, a clay seal and

significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

B12/048

A site visit was conducted at the above mentioned property by our office on May 25, 2012, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately 5.3 hectare (13 acre as per application) parcel, from the south western portion of the retained parcel to create a new lot. The proposed lot is currently developed with a dwelling, barn and several outbuildings and backs on to Scotts Snye. The Townships geographical information system, CGIS, does not have a record of septic permit for the existing dwelling.

The retained parcel is irregular in dimensions and approximately 18.2 hectares (45 acre as per application) in area. The retained parcel is currently vacant open fields, exposed rock, few trees, and a wetland in the area of Scotts Snye. The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an

OBC compliant sewage system greater than 30m from all water bodies. Due to areas of exposed bedrock and shallow overburden, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The Mississippi Rideau Septic System Office has no objections to the severance as proposed.

Hydro One Networks – HONI advises that they have no comments or concerns.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) residential lots (one with an existing dwelling at 722 Upper Scotch Line consisting of 2.63-ha, 3.23-ha and 5.26-ha and retain an 18.2-ha vacant landholding. All lands are accessed via Upper Scotch Line Road.

The lands are currently have split Official Plan Designations and Zoning Designations – Rural and Agricultural. The size of the retained lands, which is zoned ‘agricultural’ is not changing, therefore it remains a legal non-conforming.

The subject lands are located in an area characterized by Residential along Upper Scotch Line Road.

The lands are accessed via Upper Scotch Line Road, a municipally maintained road. The retained lands are also accessed via Noonan's Side Road, a municipally maintained road.

Soils Inventory – from west to east

| | |
|--|--------------------------|
| - Name: Monteagle | North Gower |
| - Stoniness: Very stony | Non Stony |
| - CLI: 7 – no capability for agriculture | 2 – moderate limitations |
| - Drainage: well drained | poorly drained |
| - Hydrogeology: moderate | high run-off |

Bedrock Inventory – granodiorite, granite, syenite.

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

The lands are located within 200 m of Secondary Water Source (Scotts Snye) and therefore are subject to archaeological potential.

Due to livestock facilities being located on consent application B12/047, an MDS calculation was undertaken, which resulted in a required setback of 85 m from the existing livestock facility. Sufficient building envelopes are available, however the Township's CBO will require an updated MDS prior to the issuance of a building permits for Lots B12/046 and B12/047.

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

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

(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:

George A Noonan and Jackalyn D Noonan – June 2, 2012

We have received your Notice Of Application of Consent File No B12/046, B12/047, and B12/048.

Our concern regarding this issue is the following:
The LANDS TO BE RETAINED.

According to the map the LANDS TO BE RETAINED are directly across from our property it has been suggested that Said lands to be retained are going to used for a SOLAR ENERGY PROGRAM. If this is correct our issue with this is our WATER TABLE (our well). This issue of solar panels being installed Has caused problems with wells at other locations. That drilling for support systems into the Water Tables has affected personal Wells on other locations.

Issue # 2 The value of our Property if said Solar Energy Panels Are allowed to be installed.

We wish to be informed of any Public Meetings concerning this file before any consent to this file is considered.

RECOMMENDATIONS PERTAINING TO THIS FILE:

1. Mr. Martin Whyte make it public knowledge what his plans are for LANDS TO BE RETAINED AND ALL FILES IN THIS MATTER.
2. All matters concerning Solar Energy Programs (Solar Panels) Have a complete environmental study done at his expense. Assuring That there will be no long term effects of this to all properties in and around Any of the files or Land to be Retained.
3. If the said files or Land to be Retained are going to be used for a commercial venue that consideration to traffic and road conditions be considered.
4. That if consent is given to a Solar Panel Project that Mr. Whyte be held responsible for any environmental or well (water) problems That may occur in the future.
5. That it is assured that if a Solar Panel Project is authorized that we are guaranteed that our property values will not be effected in the future, Re; selling of our Property.

We want notification of all Public Meetings concerning this matter And NOTICE OF DECISION.

Dennis J Noonan – June 26, 2012

ATTN MARY KIRKHAM

June 26/12

I, DENNIS J. NOONAN OF 252 NOONAN RD.,
RR#3, PERTH, ONT K7H 3C5 (613-267-2027)
WOULD LIKE TO BE NOTIFIED OF THE FORTHCOMING
MEETING & THE FINAL DECISIONS REGARDING
PLAN #'S B12/046, B12/047, B12/048
(DANE LANZON / MARTIN WHYTE)

(e) **MINUTES – August 20, 2012**

Martin Whyte, agent attended the hearing and gave evidence under oath.

Mr. Whyte advised that he planned to install 1 or 2 sets of solar panels along the fence line of the lots. These panels are ground mounted and measure 10' x 80' depending on approval by OPA (Ontario Power Authority).

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

Conditions the same for B12/046 and B12/047:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with a two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.

8. Payment of \$200. shall be made to Tay Valley 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).
9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
11. A letter shall be received from the Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES:

1. *The Mississippi Rideau Septic System Office advises that a clay seal and significant amounts of imported sand fill maybe required constructing a conventional septic system.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
4. *The Rideau Valley Conservation Authority advises that a portion of each of the proposed severed and retained lots is situated within the regulated area of the Snye and the associated small tributary collecting drainage from the south. As per Ontario Regulation 174-06, development within the regulated area, and/or any works, alterations to the grades and/or alteration to the watercourse on the property require prior written approval. Generally, the Rideau Valley Conservation Authority would not permit any such activities within the regulatory floodplain (i.e. below the 1: 100 year flood elevation of 147.09 metres geodetic) on any of these proposed and retained lots.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

B12/048:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township
4. 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.
5. The applicant shall provide Tay Valley Township with a 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. Payment of \$200. shall be made to Tay Valley representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. A letter shall be received from the Tay Valley Township stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES:

1. *The Mississippi Rideau Septic System Office advises that a clay seal and significant amounts of imported sand fill maybe required constructing a conventional septic system.*

2. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
3. *The Rideau Valley Conservation Authority advises that a portion of each of the proposed severed and retained lots is situated within the regulated area of the Snye and the associated small tributary collecting drainage from the south. As per Ontario Regulation 174-06, development within the regulated area, and/or any works, alterations to the grades and/or alteration to the watercourse on the property require prior written approval. Generally, the Rideau Valley Conservation Authority would not permit any such activities within the regulatory floodplain (i.e. below the 1: 100 year flood elevation of 147.09 metres geodetic) on any of these proposed and retained lots.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

6. *The current Official Plan provides that up to two consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Calvary Christian Academy **Hearing Date:** August 20, 2012
Agent: David Joynt
LDC File #: B12/049
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 10 **Conc.:** 2
Roll No. 0924 000 010 07005 **Consent Type:** New Lot

Purpose and Effect: To sever a 0.4-ha residential building lot and retain a 20.23-ha landholding with an existing Private School.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|--|-----------------------------|
| Existing Use | Vacant | Private School |
| Proposed Use | Residential | Private School |
| Area | 0.4-ha | 20.23-ha |
| Frontage | 64 m | 473 m |
| Depth | 64 m | Irregular |
| Road - Access to | Municipal | Provincial & Municipal |
| Water Supply | Proposed | Private Well |
| Sewage Disposal | Proposed | Septic System |
| Official Plan Designation -Conformity? | Settlement Area - Residential and Institutional Yes | |
| Zoning Category | Residential - Holding | Residential & Institutional |
| -Area Required (min.) | 0.4-ha | 0.4-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 45 m | 45 m |
| -Compliance? | Yes | Yes |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.1.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

1.6 Infrastructure and Public Service Facilities

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

County Official Plan - Section 3.0 Rural Area Policies, Section 3.3.3 Lot Creation, Section 4.3.4 Local Roads, Section 4.4 Water, Waste Water and Stormwater Services, Section 5.0 Natural Heritage, Section 7.3 Flooding and Erosion, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Official Plan - Section 4 General Development Policies, Section 5 Community Development Area, Section 5.1 Residential, Section 5.4 Institutional, Section 7.1 Provincial Highways, Section 7.3 Local Roads, Section 9.10 Committee of Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 5 Residential Zone, Section 8 Institutional Zone

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

(b) AGENCY REVIEW

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

Township Planner's Report

PURPOSE AND EFFECT OF APPLICATION

The applicant has submitted a severance application to create a new 1.0 acre building lot within the Township.

NOTICE OF APPLICATION

Staff provided the County of Lanark with a circulation list of property owners within 60m of the subject property.

DESCRIPTION OF SUBJECT LANDS

The subject lands are located within the Community Development Area of Franktown. A portion of the subject lands are currently used for the grounds of Calvary Christian Academy. The subject property appears to have been severed several times in the past, however, the applicant approached the Planning Committee in April regarding the proposed severance. The Planning Committee indicated that because it was within the community development area, the Committee deemed the severance to qualify as infill and should be permitted an exception.

PROVINCIAL POLICY STATEMENT

Section 1.1.3 of the PPS regards development within settlement areas. These policies promote intensification and redevelopment within municipal settlement areas. The proposed severance qualifies as infill and serves to intensify the community development area of Franktown.

OFFICIAL PLAN

The subject property is located within the community development area of Franktown and is designated as Residential. The policies for community development areas permit severances for infilling situations. Section 5 of the Official Plan regards community development area. These areas are where the municipality intends to promote intensification and a diversity of lands uses. The proposed severance will generate an infill building lot with the Township. Section 5 identifies support for infill severance opportunities.

Section 4.5 regards land division within the Township. These policies typically limit the number of severances on properties to two after July 1, 1973. The Planning Committee acknowledged during the April Planning Committee meeting that exceptions for severance situations within community development areas have been granted in the past for infill situations where it is clear a plan of subdivision is not feasible.

ZONING BY-LAW

The area of the subject property that is to be severed to create the new building lot is zoned Residential-Holding. A zoning by-law amendment would be required prior to the construction of a dwelling.

Section 4.5 of the zoning by-law states that a zoning by-law amendment is required to lift the holding symbol and that this will be a public process. The holding symbol will not be removed until Council is satisfied that phasing, securities, etc. is sufficient. During the pre-consultation process, the applicant met with the Planning Committee to determine if the severance would preclude the site from future residential development. It was determined that a lot within a residential subdivision would be not feasible and that a severance on that particular location would be the desired approach

The Residential zone maintains a minimum lot size of 1 acre and a minimum frontage of 45m. The proposed severance is 1 acre in size and proposes approximately 65m of frontage on Irvine Street.

OPTIONS / ANALYSIS

COMMENTS

The Health Unit has provided confirmation that the site contains sufficient area to locate a septic system.

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

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

Advisory notes:

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

Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations, The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

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

Conclusion

In conclusion, the Conservation Authority has no objections or conditions to this application for consent. Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below. Please contact me at ext. 1191 if you have any questions.

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

Severed – The property intended for severance is a 0.4-hectare vacant lot which consists of field and trees. Rock was encountered within 0.45 metres of grade. Drainage appears to be toward the east. Recommendation – there is sufficient land to construct a fully conforming Class 4 septic system. Depending on the exact area, the system will need to be partly to fully raised using imported sandy loam fill.

Retained – The retained property is 50 acres and contains a school, fields and a wooded area. Recommendation – the severance will not affect the septic system of the school.

County Public Works

- 1/ Retains lands have existing entrance at PIN 9749 Hwy 15. Lands to be severed to gain access off local municipal road (Irvine Street).
- 2/ Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Ministry of Transportation

This is to advise that the Ministry has reviewed the above referenced application and offers no objections as the proposed severed lot is to be accessed via an existing municipal road, and as such, highway access will not be required.

The applicant should be advised that a Ministry Building and Land Use Permits is required for any works located within 150 feet (45 metres) of the highway property line. It is the landowner's responsibility to acquire all necessary permits prior to the commencement of construction. Permits are administered by our Area Office at 347 Preston Street, 4th Floor, Ottawa, Ontario, K1S 3J4, tel.: 745-6841 or 1-888-362-1770.

Thank you for the opportunity to provide comments.

Hydro One Networks – HONI advises that they have no comments or concerns.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.4-ha residential building lot and retain 20.23-ha landholding with an existing private school located at 9749 Hwy 15.

The subject lands are located in the settlement area locally known as Franktown. Given the age of the settlement area (circa 1820's) residential lots are typically smaller than 0.4-ha. The proposed severance is classified as an 'infill lot'. This type of development is encouraged by the PPS, County OP and Township OP.

The lands are accessed via Irvine Street, a municipally maintained road. The retained lands are also accessed via Highway 15, a Provincial Highway and Perth Road, a County Road.

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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:

Jim Wallace and Nancy Simpson – June 27, 2012

Our property borders on the land owned by the CCA and we support the application for consent to sever the one acre parcel on Irvine Street.
Please let us know when the public meeting will be held.

(e) **MINUTES – August 20, 2012**

No persons attended the hearing.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Beckwith in this regard.
6. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate

indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

7. A letter shall be received from the County of Lanark, Public Works Department, stating that condition #6 has been fulfilled to their satisfaction.
8. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact area of the septic system, the system will need to be partly to fully raised using imported sandy loam fill.*
4. *The Ministry of transportation advises that a Ministry Building and Land Use Permits is required for any works located within 150 feet (45 metres) of the highway property line. It is the landowner's responsibility to acquire all necessary .permits prior to the commencement of construction. Permits are administered by our Area Office at 347 Preston Street, 4th Floor, Ottawa, Ontario, K1S 3J4, tel.: 745-6841 or 1-888-362-1770.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Neil Stewart **Hearing Date:** August 20, 2012
Agent: Jp2g Consultants (Brian Whitehead)
LDC File #: B12/054
Municipality: Township of Lanark Highlands
Geographic Township: Darling **Lot:** 25 **Conc.:** 11 / 12
Roll No. 0940 944 025 43000 **Consent Type:** R-O-W
0940 944 025 43200

Purpose and Effect: To sever an existing R-O-W locally known as Hayes Bay Road in favour of Neil Stewart at Pt. Lot 24 Conc. 1 Pakenham.

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.6 Infrastructure and Public Service Facilities

Section 1.6.1 Infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs.

County Official Plan - Section 3.0 Rural Area Policies, Section 4.3 Transportation, Section 5.0 Natural Heritage, Section 8.2.2 Consents.

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

Official Plan – Section 3.0 Growth and Settlement, Section 4.5.4 Private Roads, Section 10.11.13 Subdivisions Consents and Part-Lot Control.

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

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

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

(b) **AGENCY REVIEW**

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

Township Planning Report

1.0 Introduction

An application has been received from the County of Lanark Land Division Committee for the creation of a right of way located on lands legally described as Part of Lot 25,

Concession 11, 12, Geographic Township of Darling now in the Township of Lanark Highlands. The purpose of the ROW is to provide access to property located in the Town of Mississippi Mills which is currently water access only.

1.1 OFFICIAL PLAN

The lands are designated Rural on Schedule 'A-3' of the Township's Official Plan. In section 4.5.4 Private Roads of the Official Plan, provides for development to occur along a private roadway as long as the right of way is registered on title and provision has been made for individual or private maintenance solutions.

The property owners should be aware that the Township is under no obligation to service or maintain the right of way.

1.2 ZONING

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

2.0 Discussion

The application will provide land access to the property in Mississippi Mills and represents good planning rationale. For this reason, staff supports the application.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the proposed right of way is registered on title.
4. That the applicant pays any outstanding fees to the Township prior to final approval.
5. That the applicant enters into a development agreement with the Township to address the proposed ROW crossing two municipal road allowances.

Town of Mississippi Mills - No comments received.

(c) **PLANNING REVIEW**

The applicant proposes to sever legal title to an existing R-O-W locally known as Hayes Bay Road. The private road also crosses the unopened allowance for road between Pakenham and Darling Townships.

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

The Provincial Policy Statements, under Section 1.6.5 and 1.6.6 advises that efficient use shall be made of existing and planned infrastructure and that planning authorities shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(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:

Scott Munro – May 31, 2012

I received a letter about this application and was hoping to get more information. Would you be able to email me the details of the application?

Note: Copy of complete application forwarded to Mr. Munro – no further comments rec'd.

Wener Daechsel – June 6, 2012

I hereby request notification of the public meeting for your File no. B12/14. Subject Land: Pt. Lot 25 Conc. 11 Pt. Lot 25 Conc. 12 Township of Darling, Township of Lanark Highlands (owner Neil Stewart). I also request a notice of Decision.

Wener Daechsel – June 12, 2012

Thank you for the meeting on Friday. As I indicated I met with Neil and David Stewart today.

The objection to the more environmental option (fewer trees destroyed) was that this alternative would need permission from Townships of Mississippi Mills and Lanark Highlands to allow the use of this section of the unopened right of way.

As my contribution to the environment, I will proceed to obtain as soon as possible permission to extend my present use of the right of way to the end of my property so as to strengthen my case for this route to the lot that Neil Stewart proposes to provide a new road from the existing road.

It is my request that this alternative be considered in your review of the proposal, and if it all possible a reasonable amount of time be allotted for me to obtain this permission.

(e) MINUTES – August 20, 2012

David Stewart, on behalf of the agent, Neil Stewart, owner and Wener & Marjory Daechsel, adjacent landowners attended the hearing and gave evidence under oath.

Mr. D Stewart confirmed that the intent of the severance was to legally confirm the existing private r-o-w across Neil Stewarts to lands that he owns in the Township of Pakenham. It was noted that approximately 5 other landowners in Pakenham use this r-o-w by personal agreement, not legal agreement with Mr. Stewart, however they are not party to this application.

Mr. Daechsel noted that the private road had been constructed by him and the Stewart's father many years ago as a logging route.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide the Township of Lanark highlands with a copy of the deed/transfer for the property.
9. That the applicant enter into a "Development Agreement" with the Township of Lanark Highlands and the Town of Mississippi Mills to address the use, construction and maintenance of the unopened road allowance between Lots 25 Concessions 11 and 12 geographic Township of Darling and the unopened boundary road allowance between lots 24 and 25 Concession 12 geographic Township of Darling and geographic Township of Pakenham.

10. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #7 has been fulfilled to their satisfaction.
11. A letter shall be received from the Town of Mississippi Mills stating that condition #7 has been fulfilled to their satisfaction

NOTES

1. *The applicant is encouraged to develop a 'Road Agreement' in partnership with others using the right-of-way to address ongoing maintenance and repair.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Gail E Palermo

Hearing Date: August 20, 2012

Agent: Victor Palermo

LDC File #: B12/085

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 24 **Conc.:** 2/3

Roll No. 0911 911 020 03700

Consent Type: New Lot

Purpose and Effect: To sever a 1.72-ha residential building lot together with an easement for the r-o-w providing access to the severed and retained lands and to retain a 1.72-ha residential lot with an existing dwelling at 1213 Big Rideau North Shore Road.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---|----------------------------|
| Existing Use | Vacant | Residential |
| Proposed Use | Residential | Residential |
| Area | 1.72-ha | 1.72-ha |
| Frontage – Road | 54.1 m | 54.1 m |
| Frontage - water | 54.1 m | 54.1 m |
| Depth | 304.8 m | 304.8 m |
| Road - Access to | Private Road | Private Road |
| Water Supply | Proposed | Lake Water |
| Sewage Disposal | Proposed | Septic System |
| Official Plan Designation -Conformity? | Rural & Significant Wildlife Habitat Yes | |
| Zoning Category | Seasonal Residential | Seasonal Residential |
| -Area Required (min.) | 0.405-ha | 0.405-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 60 m | 60 m |
| -Compliance? | No | No |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation 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.

County Official Plan – Section 3.0 Rural Area Policies, Section 4.3 Transportation, Section 4.4 Water, Waste Water and Stormwater Services, section 5.0 Natural Heritage, Section 7.0 Public health and Safety, Section 8.2.2 Consents.

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

Official Plan – section 2 General Development Policies, Section 2.18 Cultural Heritage and Archaeological Resources, Section 2.20 Natural Hazard features, Section 2.21 Natural Heritage Features, Section 2.2 Water Supply, Sewage Disposal and other services, 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 Zone
Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Comments –

The proposal is to re-sever a 1.72 ha parcel of land to create a new lot (currently has a cabin in disrepair), and retain a 1.72 ha lot (currently has a dwelling). The severance was approved in 2004 and erroneously registered without clearance of the severance conditions.

Zoning By-law Category: Seasonal Residential

Applicable Sections: 5.3 - The retained and severed lands are 1.72-ha each with 54.1 m frontage,

- Rideau Valley Conservation Authority - The topography is characterized by an 8 - 10 metre high slope that rises steeply from the lake to a narrow flatter area just behind the cabin and then rises again 3 - 4 metres over a steep bedrock slope to a flatter area behind the hydro line. The bedrock is highly fractured and the irregular occurrence of the large boulders and slabs would suggest a failure of the bedrock slope quite some time ago (geologic time). Given the steep slopes, the shallow soil cover, and extensive areas of bedrock outcroppings, we will be looking for a development setback greater than 30 metres.

- MRSSO - has no objection to the severance as proposed. The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies. Based on information from CGIS, a suitable location for the sewage system may be greater than 70 meters from the shoreline on the proposed new 101. A complex pumping system may be required to transport the sewage 10 a suitable treatment area.

Rezoning to RLS-special exception would be required to permit creation of a new lot on a private road with frontage less than 60 m to meet the MRSSO & RVCA increased water setback.

Advisory Notes: screening for an EIS should occur at the time of Site Plan prior to issuing a building permit.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pays any outstanding fees to the Township prior to final approval.
3. That, one (1) copy of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township for each application;
4. That, the applicant submits to the Township the \$200 cash-in-lieu of parkland requirement for each application;
5. That, the applicant undertake a rezoning to RLS - Special Exception.

Conservation Authority / Park Canada

The Rideau Waterfront Development Review Team (Parks Canada - Rideau Canal Office and the Rideau Valley Conservation Authority) has completed a review of the above noted

application which seeks approval to create a new lot and easements for access purposes. A site inspection was conducted on July 24th. We have reviewed the application within the context of:

- Sections 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act,
- Historic Canal Regulations,
- RVCA regulations under Section 28 of the Conservation Authorities Act,
- Federal Fisheries Act, and
- Considerations for waterfront setbacks and best management practices in accordance with the Rideau Lakes Study.

We offer the following comments for the Committee's consideration.

Proposal

The applicant is proposing to sever the (3.44 ha) land parcel into two (1.72 ha) lots. The retained lot has 54 m of frontage on Big Rideau North Shore Road. The lot to be severed has 110 m frontage on the road and is accessed by an existing right-of-way that will be shared by each lot. Each lot has approximately 54 m of shoreline frontage on Big Rideau Lake.

Site Characteristics

The topography is characterized by an 8 - 10 metre high slope that rises steeply from the lake, generally at a 45° angle, to a narrow flatter area just behind the cabin (sauna with a loft) on the lot to be severed, and then rises again 3 ~ 4 metres over a steep bedrock slope (in excess of 45°) to a flatter area behind the hydro line. The cabin was constructed in a hollow in the bedrock. The bedrock is highly fractured and the irregular occurrence of the large boulders and slabs would suggest a failure of the bedrock slope quite some time ago (geologic time). Soil cover is shallow, particularly on the

embankment which is dominated by large areas of exposed fractured bedrock. The lower embankment is vegetated with young and mature trees and limited groundcover vegetation where soil depth permits. The upper embankment is lacking in vegetation cover due to extensive bedrock outcropping, particularly behind the cabin. The existing dwelling on the lot to be retained is situated approximately 16 m from the normal high water mark and was constructed partially below the crest of the shoreline embankment to take advantage of a flatter area to the north of the crest for access and parking.

Conservation Authority Regulations / Historic Canal Regulations

For the applicant's information, the Rideau Valley Conservation Authority administers the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The regulation requires that the owner of tile property obtain written authorization from the RVCA prior to undertaking any works that would result in an alteration to the shoreline.

Parks Canada - Rideau Canal Office requires that prior written approval be obtained for shoreline access in accordance with the Historic Canal Regulations. This includes, but is not limited to docks, decks, boat houses, launch ramps, beaches, dredging and shoreline stabilization. Shoreline access at this site will be challenging due to the height and steep grade of the slope and the presence of bedrock outcrops. Parks Canada - Rideau Canal Office administers Section 35-1 and 35-2 of the Federal Fisheries Act for fish habitat protection as part of any review conducted under the Historic Canal Regulations.

Shoreline access at this site will be challenging due to the height and steep grade of the slope and the presence of bedrock outcrops. This Jot may not be suitable for marine facilities, and waterfront development may be restricted.

Recommendations

Given the steep slopes, the shallow soil cover and extensive areas of bedrock outcroppings, we have applied the guidance provided in the Rideau Lakes Study to determine a suitable development setback for the lot to be severed. We recommend a 70 m development setback from the normal high water mark of Big Rideau Lake so as to minimize the risk of impacts to water quality and aquatic habitat in the lake. The 70 m setback is generally coincidental with the 145 m contour which the Mississippi Rideau Septic Systems Office has identified as being the limit below which there is no suitable area for a sewage disposal system.

The shoreline of the subject property is a sensitive shoreline with minimal buffer protection due to shallow soils and the steep slopes. The northern trench of the Big Rideau Lake is located directly south of the site and is critical habitat for the local Lake Trout population (only self-sustaining lake trout population on Rideau system).

Section 5.2.2.12 of the Official Plan states that "No land division shall create a lot which cannot comply with minimum water setback and minimum water frontage requirements contained in the Development Adjacent to Water Bodies Section of this Plan." The Official Plan requires a minimum of 60 metres for water frontage. Each proposed lot has indicated water frontage of 54.1 metres.

Conclusion

In consideration of the Rideau Lakes Study (slope and shallow soils), the Municipal Planning documents and the sensitive nature of the Lake Trout Habitat offshore, the

RWDRT **cannot support this** application as presented. The RWDRT does not support a precedent of allowing lots with deficient water frontage along this sensitive shoreline. The applicant can attempt to acquire land on either side of the property to bring the proposed lots into conformity with the Official Plan and Zoning.

Thank you for providing the Rideau Waterfront Development Review Team with the opportunity to comment on this application. Please forward notice of the Committee's decision on this application. Meanwhile, if you have any questions or require additional information, please contact me at 1-800-267-3504 ext. 1133.

On-Site Services (Septics) – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted on July 23, 2012.

The applicant proposes to sever a 1.72 hectare parcel, for the purpose of creating a new lot. The proposed lot is currently developed with a cabin that is in disrepair. The area is steeply sloping towards the lake with areas of exposed bedrock, shallow soils and tree cover. A sewage system was not located for the structure and there is no record of an existing sewage system permit. No test pits were provided.

The retained parcel is 1.72 hectares. The retained lot is developed with a dwelling, garage and sewage system that is greater than 30m from the shoreline. There are areas of exposed bedrock, shallow soils and tree cover. No test pits were provided. The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all water bodies. Based on information from CGIS (Tay Valley Geographical Information System), a suitable location for the sewage system may be greater than 70 meters from the shoreline on the proposed new lot. A complex pumping system may be required to transport the sewage to a suitable treatment area. Also, due to exposed bedrock and presumed shallow soils, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system in the future. Given the above information, our office has no objections to the severance as proposed.

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

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.72-ha residential lot with an existing sauna cabin in disrepair and retain a 1.72-ha residential lot with an existing cottage summer residence located at 1213 Big Rideau North Shore Road. This lot was originally approved in 2004, but was erroneously deeded and registered without the necessary clearance or stamping

of the deed. The application was therefore deemed to have lapsed in 2005.

The subject lands are located in an area characterized by Seasonal Residential and Residential on typical 'cottage' type lots along the Big Rideau North Shore.

The lands are accessed via Big Rideau North Shore Road, a private road which intersects with Narrow's Lock Road, a County maintained Road.

The Rideau Lakes Watershed Plan notes that Rideau Lakes subwatershed is good based on a review of the available water quality records and the absence of any major water quality crisis. Total phosphorus concentrations are declining on average in recent years and the clarity of the lakes using Secchi disk, is reasonable. Forest cover is increasing over the last fifty years as the original farms are abandoned and the land reverts to trees.

Invasive species, in particular, zebra mussels, both larvae and adults have been detected in Rideau Lake. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

The lands are located within the locally known 'Big Rideau Deer Yard'. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum, particularly removal of natural browse (eastern white cedar).

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

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore

fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were objections raised by one of the agencies which were circulated regarding this proposal. However, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for Tay Valley Township, provided that the applicant re-zones both the severed and retained lands to address minimum frontage and increased setbacks.

(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 – August 20, 2012**

Gail E Palermo, owner and Victor Palermo, agent attended the hearing and gave evidence under oath.

Mr. Palermo provided background history on the application, which had originally been applied for and approved in 2004. The deed was erroneously registered without the applicant completing any of the required conditions, thus the deed / transfer was invalid as it had not been stamped by the Land Division Office.

The Secretary-Treasurer advised that the previous application for consent had required re-zoning to allow relief from the minimum frontage, however the request by the Conservation Authority for increased setbacks was new.

Committee reviewed the staff report and draft conditions.

The committee agreed that a favourable decision had been granted in 2004 with the deficient water frontage issue which was to be resolved through re-zoning. That this application is essentially the same application that had previously been approved by the Land Division Committee. Given that this approval was given in good faith, it is felt that no precedent will occur, however if this was a new consent application, Committee would review the application under current requirements.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

4. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.
6. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for Tay Valley Township and shall also provide for an increased water setback by way of an amendment to the Zoning By-law.
7. Payment of 200. 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).
8. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
9. 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.
10. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
11. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
12. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
13. A letter shall be received from Tay Valley Township stating that condition #6 through #12 has been fulfilled to their satisfaction.

NOTES

1. *Tay Valley Township advises that development will be subject to "Site Plan Control" prior to the issuance of a building permit.*
2. *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.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *Residents and users of Rideau Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*

5. *The applicant is advised that the lands are within a recognized “Wintering Area – Deer Yard”, the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
6. *The applicant is also advised that where lands are within a recognized “Wintering Area – Deer Yard” that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
7. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
8. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
9. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Regan and Sheila Lee

Hearing Date: June 25, 2012

Reconvened: August 20, 2012

Agent: Regan Lee

LDC File #: B12/011 and B12/014

Municipality: Township of Montague

Geographic Township: Montague

Lot: 6 Concession: 3

Roll No. 0901 000 010 35400

Consent Type: New Lot & Lot Addition

Purpose and Effect:

B12/011 - To sever a 10.17-ha vacant landholding and retain a 10.17-ha vacant landholding.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---------------------------|----------------------------|
| Existing Use | Vacant | Vacant |
| Proposed Use | Residential | Residential |
| Area | 10.17-ha | 10.17-ha |
| Frontage | 190 m | 200 m |
| Depth | 532 m | 532 m |
| Road - Access to | Municipal | Municipal |
| Water Supply | Proposed | Proposed |
| Sewage Disposal | Proposed | Proposed |
| Official Plan Designation -Conformity? | Rural and Wetland Yes | |
| Zoning Category | Rural | Rural |
| -Area Required (min.) | 0.4-ha | 0.4-ha |
| -Compliance? | Yes | Yes |
| -Frontage Required (min.) | 46 m | 46 m |
| -Compliance? | Yes | Yes |

B11/014 - To sever a 6.07-ha parcel of land as a lot addition to lands owned by John Regan Lee at Pt. Lot 6 Conc. 3, Township of Montague, being created by Application B12/011. The retained parcel to be a lot addition to the retained lands from Application B12/011.

| DETAILS OF PROPOSAL | Land to be Severed | Land to be Retained |
|---|---|------------------------------------|
| Existing Use Proposed Use | Vacant Lot Addition | Vacant Lot addition |
| Area Frontage Depth Road - Access to | 6.07-ha 296 m 190 m Unopened Allowance | 14.16-ha 200 m 296 m None |
| Water Supply Sewage Disposal | None None | None None |
| Official Plan Designation -Conformity? | Rural and Wetland Yes | |
| Zoning Category -Area Required (min.) | Rural n/a lot addition | Rural n/a lot addition |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless

the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

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 2.16 Road Access, Section 2.19 Natural Hazard Features, Section 2.21 Natural Heritage Features, Section 2.22 Ground Water Supply, Sewage Disposal, Section 3.2 Mineral Resource, Section 3.3 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural Section 4.4 Township Roads, Section 5.2 Land Division

The Township of Montague advises that the proposal conforms with the designations and policies of the official plan.

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

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

(b) AGENCY REVIEW

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

Township Planner's Report – May 30, 2012

Please be advised that I have reviewed the above noted consent applications and have determined that the proposed consents are generally consistent with the Township's Official Plan and Zoning By-law. While the applications involve severances and lot adjustments across two existing lots of record, the applications are closely tied together and the B12/014 application requires the approval of B12/011 to proceed. As such, these applications are being evaluated together.

As I understand it, the applicants presently own two large vacant parcels of land. The first parcel, being split by application B12/011, is about 20.34 hectares (51 acres) in size with just under 400 m in frontage and will be divided roughly evenly in half. The property owners (Regan and Sheila Lee) also own a landlocked 50 acre lot to the rear (fronting on the unopened road allowance between Concessions 2 and 3). The Lees propose to divide this lot (application B12/014) such that the southern portion of 6 hectares (15 acres) will be attached to the lands to be severed by B12/011, effectively creating a longer rectangular lot. The lands to be retained (about 14 hectares / 35 acres) will be merged with the retained lands created by the B12/011 application, resulting in a larger "L" shaped lot. The effect of these two applications is to effectively dissolve the Lees' landlocked parcel and create two new, enlarged lots which both have frontage on Burchill Road, a travelled Township road. The intended use for both lots is residential.

Both parcels are designated Rural in the Township's Official Plan and both applications comply with the Township's Consent Policies (Sec. 5.2.3). Additionally, the proposed lots

comply with the provisions of the underlying Rural Zone. A number of constraints however have been identified on the severed and retained lands. Firstly, most of the subject lands are within an identified bedrock deposit, one that takes up much of the southeastern corner of the Township. Section 2.17.1 of the Official Plan (Development Adjacent to Mineral Resources) does not specifically prohibit development in areas of bedrock, however requires that land use compatibility studies be undertaken in accordance with provincial policies to determine the extent of the viable resource as well as what mitigative measures should be undertaken to address future residential development in the area. While it is not known at this point that a viable aggregate deposit is present in this location, the Official Plan has identified such potential deposits for protection unless it can be shown that non-compatible development, including residential, can be appropriately situated on or near the site. Further, much of the subject lands are located within identified Significant Woodlands, which are subject to Section 2.21.6 of the Official Plan, which permits development within them or adjacent lands (50 m buffer) only if it can be demonstrated that there will be no negative impact on their natural features or ecological function. I note that the distribution of the woodlands on the lots is such that there remains sufficient area towards the front of the properties where development could occur without impacting or fragmenting the woodlands. Finally, mapping available to the Township indicates the presence of a potential watercourse and wet area on the site. As the Rideau Valley Conservation Authority is the primary commenting agency on these matters, the Township accepts that a development agreement may be required as a condition of severance approval to ensure future development is directed away from the sensitive areas, should they be identified. Notwithstanding the foregoing, I believe there is an adequate building envelope on both proposed lots, close to the public road for single family residential development, however it would be prudent to ensure that the proper information is available to determine whether development is appropriate on other parts of the lots.

The severed and retained lots are both within the Rural (A) Zone as indicated in the Township's Zoning By-law, and both lots meet the requirements of the zone in terms of lot area, frontage and use.

Given the foregoing, Montague Township supports the above severances provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

NOTE: *It was brought to the attention of Montague's Planner that the MMAH had modified the Township's Official Plan to require a minimum buffer of 120m from the designated 'woodlands' not 50 m as indicated in the Planner's Report. Given this the Planner re-evaluated the applications based on the 120m buffer.*

Township Planner's Report - June 14, 2012

Further to my previous comments dated May 30th regarding the above noted consent applications, please be advised that I have reviewed the applications according to the updated influence area buffer information for the significant woodland area on the proposed lots. As the 'lands adjacent to woodlands' buffer that needs to be considered is 120 m (394 feet) that would mean that almost the entire landholding is either within a potentially significant woodland or within its "adjacent lands". I visited the site on June 2nd and evaluated the front portions according to the criteria identified in the Ministry of Natural Resources Natural Heritage Reference Manual (size, ecological function, uncommon characteristics and economic and social values). The small stand-alone wooded area near Burchill did not appear to meet the criteria and as such, was

determined to not be significant. The larger extent of forested area to the rear appears to consist of larger hardwood specimens and is part of a much larger woodland complex. As such, it appears to hold more of the characteristics that would define a woodland as "significant" and as such, in order to maintain consistency with Section 2.21.6 (subsection 4) of this Plan and the natural heritage sections of the Provincial Policy Statement, an environmental impact assessment would be advisable to ensure that any development on the woodlands or adjacent lands maintains the ecological Figure 1: Woodland and Adjacent Lands function of the area. Figure 1 indicates the significant woodlands, the 120 metre buffer around the woodlands and the forested area that was excluded from the definition.

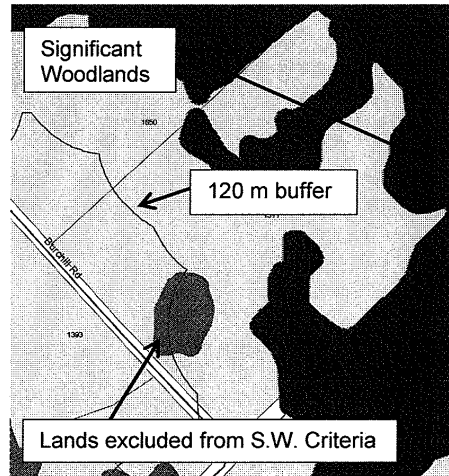
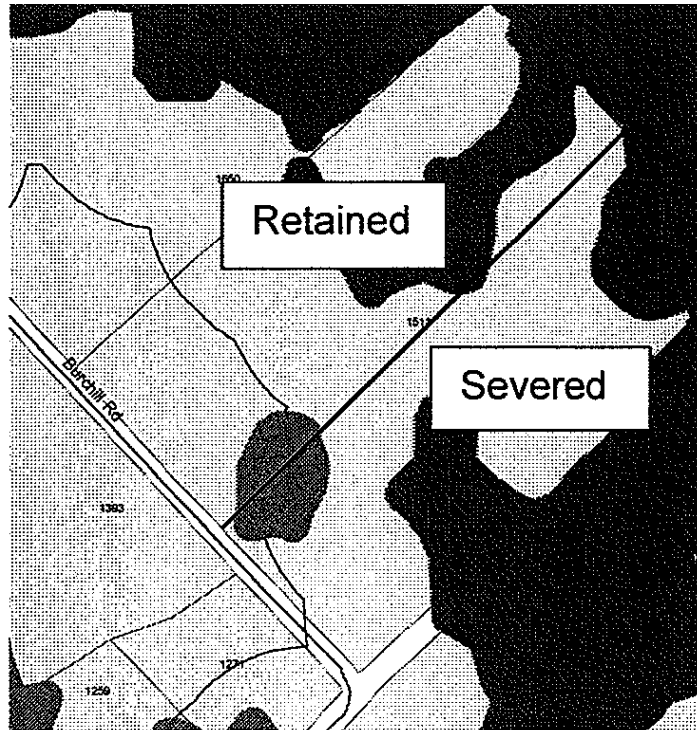


Figure 1: Woodland and Adjacent Lands

Consent application B12/011 splits the lot that is closest to Burchill Road. On the Retained Lands, there appears to be ample room outside the woodland influence area to accommodate the proposed residential use while complying with all zoning provisions.

The severed lands however do not appear to include enough room for development outside the woodlands or adjacent lands and as such, in order for the severance of a proposed residential lot to proceed, an EIA would be required to demonstrate to the satisfaction of the approval authority that development can occur on the lot without negatively impacting the natural landscape or its ecological function.



Section 2.21.8 of the Plan identifies some of the considerations available to decision makers when assessing EIA requirements for a specific site. In this case, I note that the proposed residential use is a relatively low impact use and there are three existing dwellings in immediate proximity to the proposed severed lot and very close to the significant woodlands. I also note that there appears to be a wetter area on the "adjacent lands" portion of the lot to be severed, close to the road, which may constrain development. In this case, in accordance with Section 2.21.8 (subsection 4) of the Plan, I would suggest that the completion of an environmental screening checklist, done in consultation with the Rideau Valley Conservation Authority would be important in assessing whether development can occur within the "adjacent lands," what sort of mitigative efforts, if any, may be required to protect the ecological function of the woodlands and if further study, including a full environmental impact study, may be required.

I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and

marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

- The Applicant shall confirm that residential entrances to the subject lots (B12/011) are viable. The Applicant shall consult directly with the Township of Montague in this regard.
- The Applicant shall obtain a Civic Address Number from the Township of Montague for both lots as identified in Application B12/011. The applicant shall consult directly with the Township in this regard.
- The Applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists on both lots to service the intended single family residential use.
- Any development or site alteration on the lots to be severed or retained shall be undertaken outside the lands designated Significant Woodlands or adjacent (within 120 m) said lands unless an Environmental Impact Assessment demonstrates there will be no negative impact on the natural features or ecological function of the habitat.
- The Applicant shall demonstrate, in accordance with Ministry of Natural Resources and Township requirements, that the bedrock present on the site is not feasible for viable economic extraction and if it is feasible, that the residential development of the two lots would not constrain any future extraction operation.
- The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

Conservation Authority - Rideau Valley Conservation Authority

B12/011

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the creation of a new residential lot. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

For the applicant's information a tributary to the South Montague Swamp Provincially Significant Wetland has been identified on the severed and retained parcels. A permanent wetland feature has been identified on the retained parcel.

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

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

The Conservation Authority typically recommends a minimum of 30 metres from any watercourse or water feature. The applicant had pre-consulted with Conservation Authority staff on this revised proposal. Based on the size of the retained lot there would be a sufficient building envelope outside of the 30 metre setback from both the permanent wetland and the tributary to the South Montague Swamp Provincially Significant Wetlands. Given the large amount of land available at the rear of the retained

parcel it is likely that the rear of the property may be a desirable location for a residence. Access to the rear of the property would require a watercourse crossing. The watercourse crossing will require the prior written approval of the Conservation Authority.

Conclusion

In conclusion, the Conservation Authority has no objections or conditions to this application for consent as there would appear to be a sufficient building envelope outside of a 30 metre setback from the permanent wetland and the tributary to the South Montague Swamp. We would respectfully ask that the above noted information be included as a note in the decision should the committee grant approval.

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

B12/014

The Rideau Valley Conservation Authority has completed a review of the above noted application which would allow the severed and retained parcels to be added to the two parcels being created in application B12/011. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

For the applicant's a permanent wetland feature which is fed by a tributary has been identified on the retained parcel.

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

- Any alteration, straightening, changing, diverting 01' interfering in any way with any watercourse requires the prior written approval from the Conservation Authority (including watercourse crossings).

The Conservation Authority typically recommends a minimum of 30 metres setback from any watercourses or water feature. There is a large amount of area available on the retained parcel outside of 30 metre setback from the permanent wetland.

Conclusion

In conclusion, the Conservation Authority has no objections or conditions to this application for consent. We would respectfully ask that the above noted information be included as a note in the decision should the committee grant approval.

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

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

B12/011

Severed – a 25 acre vacant parcel of land of land which is mainly open field. Land drainage and soil depth can vary. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained – A 25 acre parcel of land that is vacant. Land is relatively flat. Vegetation indicates shallow soil depth will likely be found. Recommendation – additional sandy loam fill will be required in area of future tile bed.

B12/014

Severed – a 15 acre vacant parcel of land with is mainly open field. Land Drainage and soil depth can vary. Recommendation – additional sandy loam fill will be required in area of future tile bed.

Retained – a 35 acre parcel of land that is vacant. Land is relatively flat. Vegetation indicates shallow soil depth will likely be found. Recommendation – 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 a 10.17-ha vacant landholding and retain a 10.17-ha vacant landholding. The applicant had originally submitted applications for three new lots (0.8-ha each) along Burchill Road, but due to the proximity of the wetland area, could not obtain sufficient area for a suitable building envelope outside the influence area and therefore revised the application to one new lot. The other two applications were abandoned. The application also proposes to sever 6.07-ha parcel of land as a lot addition to lands owned by John Regan Lee at Pt. Lot 6 Conc. 3, Township of Montague, being created by Application B12/011. The retained parcel to be a lot addition to the retained lands from Application B12/011.

The subject lands are located in an area characterized by Residential on large landholdings along Burchill Road.

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

Soils Inventory – Name: Franktown & Farmington

- Stoniness: moderately stony
- CLI: 6 – natural grazing only
- Drainage: imperfectly
- Hydrogeology: moderate

Bedrock Inventory – dolostone, sandstone

The area has considerable land masses mapped as ‘woodlands’, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Montague. The Township has inspected the area and will require an EIS to demonstrate that there will be no negative impact on the natural features or ecological function of the habitat if a development or site alteration is proposed to occur within the 120 m buffer area.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area,

and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – June 25, 2012

No persons attended the hearing.

Committee reviewed the staff report and draft conditions.

Committee expressed concerns with regards to 'Bedrock' and 'Water' comments and condition requested to be imposed by the Township of Montague, and requested that the Secretary obtain further information on how the applicant would proceed to satisfy this condition if imposed.

Moved by R. Strachan and seconded by W. Guthrie

"**THAT**, application B12/011 and B12/014 be deferred to provide the committee with an opportunity to discuss with the Planner for the Township of Montague, how the requirements re: bedrock and water are to be addressed." **ADOPTED**

(f) ADDITIONAL INFORMATION:

As requested by Committee I discussed with the Township planner, their condition "*The Applicant shall demonstrate, in accordance with Ministry of Natural Resources and Township requirements, that the bedrock present on the site is not feasible for viable economic extraction and if it is feasible, that the residential development of the two lots would not constrain any future extraction operation.*" And how this could be satisfied.

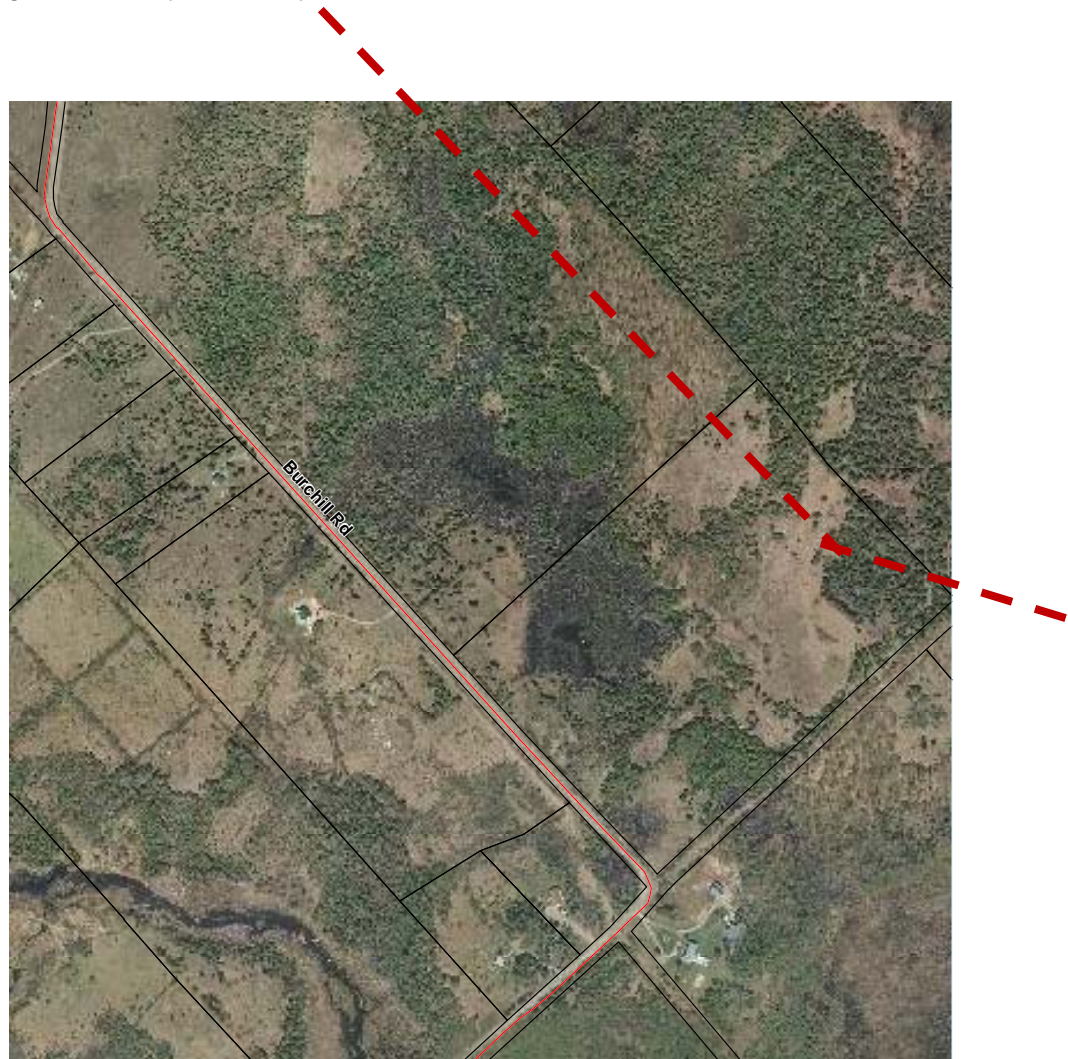
We first reviewed the Official Plan Policy – Section 2.17.2.2) "The influence area shall be 300 metres or 500 metres for land designated or identified on the basis of surficial or bedrock recourse, respectively'.

We also looked at Section 3.2.3 which provides that sensitive uses may be permitted within the resource influence area provided that a mineral use would not be feasible due to qualitative, quantitative or other constraints. The other constraints are location of

sensitive uses. These include lands uses such as residences, day care centres and educational and health facilities.

It was determined that in order to apply this policy, we would need to look at the area particularly within the 300 m / 500 m influence area to determine if indeed a future extractive operation could occur. If there were no sensitive uses, then the applicant would be required to undertake a study to determine if the development would constrain future extractive operations.

In the case of these two proposals, there is identified bedrock potential; therefore we looked at the influence area of 500m. Along the west side of Burchill Road there are 7 existing residential building lots and one residence at the bend in Burchill Road to the south. These are classified as Sensitive uses, therefore if an extractive operation were to be proposed the operation would have to be 500 m east of these lots. By measuring from GIS mapping this influence line runs along the easterly boundary of the Lee lots. [See illustration]



Response by Karl Grenke – Planner for Montague

The purpose of Section 2.17.1 of the Plan is to protect aggregate extraction operations and aggregate reserves. This is generally accomplished by preventing new development that would be incompatible with pits and quarries (such as residential lot creation) near to these reserves. Since the Lee property is partially on an identified bedrock deposit, the policies of Sec. 2.17.1 must be considered. I do agree with your view that since there are a number of existing residential lots and dwellings close to the proposed severances, a pit or quarry would be unlikely to ever operate in that area and as such, there would be little point in using the aggregate policy to prevent the proposed severances.

For future situations like this, I am comfortable with applying policy 2.17.1.3.1 that permits development in areas near bedrock or aggregate deposits if some other qualitative or quantitative restraint (i.e. wetland, existing houses nearby) would prohibit the establishment of a quarry. In looking at future applications on or near identified bedrock deposits, we would evaluate the surrounding development patterns and if it looks like a quarry operation would never be feasible due to the incompatible uses, we would support development there. If the proposed dwelling or building lot is in a location that could preclude the opening of such an operation, I believe the Plan would require us to either ask for an impact study or an analysis of the viability of the resource. We can address that when the time comes.

Conclusion

Based on the remarks and comments above we are satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Montague and could be given favourable consideration.

In addition, we discussed the 'water' issue. This will be further defined by the Township, however, in the meantime provision of adjacent landowner's well records may be sufficient.

(g) 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:

B12/011

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague, advising any future purchasers of the severed or retained lands that any development or site alteration on the lands shall be undertaken outside the lands designated "Significant Woodlands" or adjacent (within 120 m) lands unless an "Environmental Impact Assessment" demonstrates there will be no negative impact on the natural features or ecological function of the habitat.
6. The applicant shall confirm that a residential entrance to the severed lot and retained lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Montague for the severed and retained lots. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. The applicant shall demonstrate to the satisfaction of the Township of Montague that adequate ground water supply exists on the severed lot to service the intended single family residential use.
10. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
11. A letter shall be received from the Township of Montague stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advise that additional fill / sandy loam fill will be required in area of future tile bed on both the severed and retained.*

2. *The Rideau Valley Conservation Authority advises that a tributary to the South Montague Swamp Provincially Significant Wetland has been identified on the severed and retained parcels. A permanent wetland feature has been identified on the retained parcel. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetland, and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*
 - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority (including watercourse crossings).*
3. *The RVCA also advises that the Conservation Authority typically recommends a minimum of 30 metres from any watercourse or water feature.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

B12/014

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands Being created through Consent Application B12/011 described as Part Lot 6 Conc. 3 Township of Montague and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The applicant shall provide the Secretary-Treasurer of the Lanark County Land Division Committee with a "Solicitor's Undertaking" confirming that following the registration of the Transfer and the creation of a new PIN for the property that they will cause to be registered an "Application to Consolidate" the retained land with the retained lands from Consent Application B12/011.
5. 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.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague, advising any future purchasers of the severed or retained lands that any development or site alteration on the lands shall be undertaken outside the lands designated "Significant Woodlands" or adjacent (within 120 m) lands unless an "Environmental Impact Assessment" demonstrates there will be no negative impact on the natural features or ecological function of the habitat.
8. A letter shall be received from the Township of Montague stating that condition #5 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advise that additional fill / sandy loam fill will be required in area of future tile bed on both the severed and retained.*
2. *The Rideau Valley Conservation Authority advises that a permanent wetland feature which is fed by a tributary has been identified on the retained parcel. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*
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