



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, October 27, 2008 at 9:00 a.m. at the Lanark County Administration Building, Perth, Ontario.

Members Present: R. Strachan and D. Murphy.

Members Absent: C. Tyson

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

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

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2008-029

MOVED BY: B. Strachan
SECONDED BY: D. Murphy

"THAT, the minutes of the Land Division Committee meeting held on September 22, 2008 be approved as circulated."
ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2008-030

MOVED BY: D. Murphy
SECONDED BY: B. Strachan

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

Golder and Associates – Private Wells and Sewage Systems
Ducks Unlimited – Natural Heritage Planning News

7. REPORTS

7.1 NEW APPLICATIONS TO BE HEARD

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

- 7.1.1 **B08/062 and B08/063, Clarence and Iola Lucas**
Pt Lot 5 Conc. 8 geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Highland Line and Milton's Road)
- 7.1.2 **B08/089 and B08/090, Claude and Cora Nolan**
Pt Lot 11 Conc. 3 Park Lot 10, Franktown Plan, Township of Beckwith (Powell Street)
- 7.1.3 **B08/102, William Hay**
Pt Lot 8, 9 and 10, Conc. 10, Township of Beckwith (Beckwith 10th Conc.)
- 7.1.4 **B08/103, Diane Falvey**
Pt Lot 12 and 13, Conc. 5, geographic Township of Bathurst, now in Tay Valley Township. (Bathurst 5th Conc.)
- 7.1.5 **B08/104, Hubert Gary Ennis**
Pt Lot 11 and 12, Conc. 10, geographic Township of Bathurst, now in Tay Valley Township. (Ennis Road)
- 7.1.6 **B08/105, Francis E Badour**
Pt Lot 16 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Park Street)
- 7.1.7 **B08/106 and B08/107, Daryl and Shana Ziebarth**
Pt Lot 19 and 20, Conc. 12, geographic Township of Pakenham, now in the Town of Mississippi Mills. (12th Con N Pakenham)
- 7.1.8 **B08/109, Steve and Tiffany Nixon**
Pt Lot 3 Conc. 3, geographic Township of Ramsay, now in the Town of Mississippi Mills. (Hwy #7)

- 7.1.9 **B08/110 and B08/111, Bernard Patrick MacDonald**
Pt Lot 9 Conc. 6, geographic Township of Ramsey, now in the Town of Mississippi Mills. (Ramsay Con. 7A)
- 7.1.10 **B08/112, Michael Webster and Lori Wintle**
Pt Lot 8 Conc. 3, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Tennyson Road)
- 7.1.11 **B08/114, B08/115 and B08/116, Valerie Wyman and Byron Budd**
Pt Lot 2, 3, 4 and 5, Conc. 10 Township of Montague (Pinery Road)
- 7.1.12 **B08/117, Gordon England**
Pt Lot 17, Conc. 9, geographic Township of South Sherbrooke, now in Tay Valley Township. (Fagan Lake Road)
- 7.1.13 **B08/118, Marion Ward**
E Pt Lot 21, Conc. 12, geographic Township of South Sherbrooke, now in Tay Valley Township. (Althorpe Road)
- 7.1.14 **B08/119, Regan Lee**
Pt Lot 5 Conc. 6, geographic Township of North Burgess, now in Tay Valley Township. (Blair Poole Farm Road)
- 7.1.15 **B08/120, Dorothy Erwin**
Pt Lot 9 Conc. 11, geographic Township of Bathurst, now in Tay Valley Township. (Bennett Lake Road)
- 7.1.16 **B08/121, Juris and Ligita Mieзитis**
Pt Lot 8 Conc. 1, Township of Montague. (Burchill / Richardson Roads)
- 7.1.17 **B08/122, Francis Mackler**
Pt Lot 16 Conc. 8, geographic Township of North Burgess, now in Tay Valley Township. (Stanleyville Road)
- 7.1.18 **B08/123, John and Melanie O'Neil**
Pt Lot 29 Conc. 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley.

8. NEW/OTHER BUSINESS

- 8.1 Report on OEMC Training Session (Collingwood) – B Strachan and D Murphy provided information on the training session.

- 8.2 Appeal to the OMB – B08/043 Miller
Mulvihill & Murray (Solicitors) submitted a notice of appeal to the Ontario Municipal Board to the Land Division Committee decisions.

MOTION #LD-2008-031

MOVED BY: B. Strachan
SECONDED BY: D. Murphy

“THAT, Craig Halpenny of Barker Willson Law Partners be contacted to represent the County of Lanark Land Division Committee RE: OMB Appeal B08/043 – Miller. **ADOPTED**

- 8.3 Budget Allocations – B Strachan advised that the Committee should consider undertaking an RFP/Tender/Invitational Bid (in accordance with the County’s Procurement Policy) to develop policies to be used in instances where there is increased development pressures.

MOTION #LD-2008-032

MOVED BY: B. Strachan
SECONDED BY: D. Murphy

“THAT, the Planning Administrator investigates the possibility of transferring \$8,000 of the 2008 Land Division surplus to a 2009 budget item to review standard procedures relating to quality and quantity of water availability for proposed severances. **ADOPTED**

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

The Committee recessed for lunch at 12:00 (noon) and reconvened the hearing at 1:30 p.m.

9. PROVISIONAL CONSENT WAS GRANTED FOR THE FOLLOWING;

9.1 **B08/046, B08/047 & B08/048, Cheryl and Richard Allan**

9.2 **B08/062 and B08/063, Clarence and Iola Lucas**

9.3 **B08/089 and B08/090, Claude and Cora Nolan**

9.4 **B08/094 and B08/095, Timothy and Linda Vallee**

9.5 **B08/102, William Hay**

9.6 **B08/103, Diane Falvey**

- 9.7 **B08/104, Hubert Gary Ennis**
- 9.8 **B08/105, Francis E Badour**
- 9.9 **B08/106 and B08/107, Daryl and Shana Ziebarth**
- 9.10 **B08/109, Steve and Tiffany Nixon**
- 9.11 **B08/110 and B08/111, Bernard Patrick MacDonald**
- 9.12 **B08/112, Michael Webster and Lori Wintle**
- 9.13 **B08/114, B08/115 and B08/116, Valerie Wyman and Byron Budd**
- 9.14 **B08/117, Gordon England**
- 9.15 **B08/118, Marion Ward**
- 9.16 **B08/119, Regan Lee**
- 9.17 **B08/120, Dorothy Erwin**
- 9.18 **B08/121, Juris and Ligita Mieзитis**
- 9.19 **B08/122, Francis Mackler**
- 9.20 **B08/123, John and Melanie O'Neil**

9. ADJOURNMENT

The next meeting date was scheduled for November 24, 2008.

B Strachan advised that he would not be available to attend the November meeting.

D Murphy advised that he would not be available for the January 2009 meeting.

The meeting adjourned at 4:27 p.m.

**Mary Kirkham
Secretary-Treasurer**

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Clarence & Iola Lucas

Hearing Date: October 27, 2008

Agent: n/a

LDC File #: B08/062

Municipality: Lanark Highlands

Geographic Township: Dalhousie

Lot: E.5 **Concession:** 8

Roll No. 0940 004 035 0403

Consent Type: New Lot

Purpose and Effect:

To sever a new residential building lot and retain a residential building lot. This application has been submitted concurrently with B08/063.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	1.4-ha 94 m 140 m Highland Line	10.2-ha 155 m 1000 m Unopened Road Allowance & Milton's Road
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural and Aggregate Reserve Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes n/a	Rural / Mineral Reserve – h 1.0-ha Yes 60 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement – the following Policies were identified during review:
2.4 Mineral Aggregate Resources. Further details are outlined in the Planning Report.

Official Plan - Section 3.6 Rural and Section 7.2 Aggregate Reserve.
The Township of Lanark Highlands advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – Section 6.0 Rural and Section 18 Mineral Aggregate Reserve Holding. The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township of Lanark Highlands –

The proposal conforms with the designations and policies of the Official Plan.

The proposal complies with the zoning by-law regulations.

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

1. That development charges shall be paid in full prior to the issuance of a building permit.
2. That a Civic Address Sign be required for the severed land prior to a building permit being issued.
3. That property taxes be paid in full.
4. That Cash-in-Lieu of Parklands be paid to the Township per By-law No. 2005-575.

Conservation Authority –

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

According to the information provided, the purpose of the application is to sever two vacant residential building lot measuring 1.4 ha and 1.3 ha in size. The retained lot is also vacant and measures 10.2 ha in size.

A preliminary review of proposed severance B06/062 revealed no Natural Heritage values or Natural Hazard concerns requiring comments from MVC.

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

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

Severed Lands – rolling treed covered land with no soil drainage problem. Sandy loam soil variable depths. Additional granular fill may be required in proposed tile bed area.

Retained Lands – Relatively flat mixture of treed and pasture land with no soil drainage problems. Sandy soil 5 ft deep. Satisfactory.

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 lot comprising approximately 1.4-ha (94 m x 140 m) for residential purposes and retain approximately 11.5-ha for similar purposes. The retained lands are proposed to be further severed under application B08/063.

The proposed severed parcel fronts on the Highland Line while the retained lands have frontage on both the unopened 7th Conc. Line and Milton's Road. Access via the unopened 7th Conc. Line is by agreement with the Township of Lanark Highlands. The subject lands are located in an area characterized by residential development on a variety of lot sizes to the west and north, a farm operation to the south and a mineral aggregate operation (Licensed Pit) to the west.

Section 2.4 of the PPS - Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use. Development shall only be permitted within the influence area of the existing extractive operation or a Mineral Aggregate Resource – holding zone if, issues of public health, public safety and environmental impact are addressed.

The Official Plan Section 7.2.7 Influence Area states “the following influence areas shall apply between the specified land use and any sensitive land use: Pit and Aggregate Reserve (sand and gravel) – 150 m – above the water table”. GIS mapping indicates that the boundary of the extractive area is approximately 130 m from the Highland Line, therefore prior to the lands being developed, the applicant would be required to undertake an Environmental Impact Study (EIS) to determine a suitable building envelope location and undertake any mitigative measures that may be outlined in the EIS.

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

(d) PUBLIC INPUT

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

Rob Anderson requested to be advised of the hearing date and decision.

(e) MINUTES OF HEARING – October 27, 2008

Clarence and Iola Lucas, applicants were present at the public meeting held on Monday October 27, 2008 and gave evidence under oath. No further comments were presented.

(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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. Payment shall be made to the Township of Lanark Highlands of an amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act.
4. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
5. A letter shall be received from the Township stating that conditions #2 and #3 have been fulfilled to their satisfaction.
6. A letter shall be received from the Mississippi Valley Conservation stating that condition #4 has been fulfilled to their satisfaction.

NOTES

- *The Township advises that, prior to the issuance of building permits for the lots to be severed and retained, development charges must be paid to the Township and civic address signs and entrance permits obtained.*
- *The LGL Health Unit advises that the lot can be made suitable for on-site sewage disposal with the importation of additional granular fill in the proposed tile bed area.*
- *An 'Environmental Impact Statement' may be required by the Township of Lanark Highlands to determine a suitable building envelope in accordance with Section 7.2.7 of the Official Plan.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Clarence & Iola Lucas

Hearing Date: October 27, 2008

Agent: n/a

LDC File #: B08/063

Municipality: Lanark Highlands

Geographic Township: Dalhousie

Lot: E.5 **Concession:** 8

Roll No. 0940 004 035 0403

Consent Type: New Lot

Purpose and Effect:

To sever a new residential building lot and retain a residential building lot. This application has been submitted concurrently with B08/062.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	1.3-ha	10.2-ha
Frontage	145 m	155 m
Depth	100 m	1000 m
Road - Access to	Milton's Road	Unopened Road Allowance
Water Supply	Proposed	Proposed
Sewage Disposal	Proposed	Proposed
Official Plan Designation	Rural and Aggregate Reserve	
-Conformity?	Yes	
Zoning Category	Rural	Rural / Mineral Reserve – h
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement – the following Policies were identified during review of the application: 2.1 Natural Heritage, 2.2 Water, 2.3 Agriculture, 2.5 Mineral Aggregate Resources, and 3.1 Natural Hazards. Review and mitigative measures are outlined in the Conservation Authority review and the Planning Report.

Official Plan - Section 3.6 Rural and Section 7.2 Aggregate Reserve.
The Township of Lanark Highlands advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – Section 6.0 Rural and Section 18 Mineral Aggregate Reserve Holding. The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township of Lanark Highlands –

The proposal conforms with the designations and policies of the Official Plan.

The proposal complies with the zoning by-law regulations.

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

1. That development charges shall be paid in full prior to the issuance of a building permit.
2. That a Civic Address Sign be required for the severed land prior to a building permit being issued.
3. That property taxes be paid in full.
4. That Cash-in-Lieu of Parklands be paid to the Township per By-law No. 2005-575.

Conservation Authority – July 18, 2008

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

According to the information provided, the purpose of the application is to sever two vacant residential building lot measuring 1.4 ha and 1.3 ha in size. The retained lot is also vacant and measures 10.2 ha in size.

A review of available mapping identified Long Sault Creek running through the proposed severed parcel B08/063 and through the southern end of the proposed retained lands. Long Sault Creek has been identified as cold water creek that supports Brook Trout. The presence of this watercourse was confirmed during a site visit conducted by MVC staff on July 10, 2008. We also noted a high, moderately steep slope (steeper than 3:1) on the northern end of severance B08/063 which leads downwards to the creek. The remainder of the property traveling towards Milton's Rd. and away from the slope is a relatively flat. The slope is very well treed while the remainder of the property is largely cleared with some pockets of trees. MVC's made a preliminary assessment of the slope composition as primarily sandy with some cobbles.

It is provincial policy that: *Development shall generally be directed to areas outside of hazardous lands adjacent to river and stream and small inland lake systems which are impacted by flooding and/or erosion hazards* (Provincial Policy Statement, Section 3.1.1.b). The slope leading to the creek on the subject property falls under the definition

of an *erosion hazard* due to its height and steepness. MVC policies define the hazardous area of such slopes as: **the horizontal allowance of five times the height of the slope measured landward from the toe of the slope**. New development should be directed outside of this limit and any structural changes to existing development within this limit should be supported by geotechnical investigation prepared by an engineer.

Given that the subject property does not have sufficient area to direct development outside of the hazardous area, we recommend that a geotechnical investigation be prepared to assess the suitability of the proposed severance B08/063 for future development. We reserve additional comments and recommendations for proposed severance B08/063 pending a review of this anticipated report.

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

Conservation Authority – September 10, 2008

Following Mississippi Valley Conservation's (MVC) review of the subject application (refer to letter sent to the County of Lanark dated July 18, 2008), MVC's Water Resources Engineer conducted a further, more in-depth analysis of the slope on the subject property. It was determined that due to the cobble composition of the sand comprising this slope, our original recommendation for a setback of **five times the height of the slope** can be revised to **three times the height of the slope**, measured landward from the toe of the slope. We have estimated this setback to equal 47 to 50 feet from the top of the slope.

Provided that all future development, including a septic system, is located beyond this setback requirement, a geotechnical investigation is no longer recommended as a condition of severance.

With all of the above in consideration, MVC does not have any objection to severance B08/063 provided a minimum setback of **three times the height of the slope, measured landward from the toe of the slope**, is adhered to.

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

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

Severed Lands – rolling treed covered land with no soil drainage problem. Sandy loam soil variable depths. Additional granular fill may be required in proposed tile bed area. Retained Lands – Relatively flat mixture of treed and pasture land with no soil drainage problems. Sandy soil 5 ft deep. Satisfactory.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The proposed severed parcel fronts on the turning circle at the end of Milton's Road while the retained lands have frontage on the unopened 7th Conc. Line. Access via the unopened 7th Conc. Line is by agreement with the Township of Lanark Highlands. The subject lands are located in an area characterized by residential development on a variety of lot sizes to the west and north, a farm operation to the south and a mineral aggregate operation (Licensed Pit) to the west.

PPS 2.1.5 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Longue Sault Creek has been identified as a Brook Trout cold water stream, and therefore requires protection to ensure a healthy aquatic ecosystem. No development or removal of trees or vegetation should be permitted within 30 metres of the creek.

The Official Plan Section 7.5.2. Natural Heritage Features Subsection 4 Fish Habitat states that "Development and site alteration may be permitted in and adjacent to fish habitat on these water bodies (adjacent lands) and their associated tributaries provided it has been demonstrated through the preparation of an Impact Assessment as required in Section 7.5.2 (8) that there will be no negative impacts on the fish habitat or on the ecological functions for with the area is identified. An "Impact Statement" should be undertaken.

PPS 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the development. No development or removal of trees or vegetation should be permitted within 30 metres of the creek.

PPS 2.2.2 Development and site alteration shall be restricted in or near sensitive water features. Mitigative measures and/or alternative development approaches may be required. Proposals for development should include a "Site Plan Agreement" between the Township and the developer. *Development means the construction of buildings or structures (including a septic system).*

PPS 2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae. A 'Minimum Distance Separation 1 (MDS 1) Report was completed for the adjacent livestock facility. The required setback for any new residential dwellings shall be 206 m. A GIS distance calculation notes that the property line for the proposed lot is approximately 205 m from the adjacent livestock facility. Any new development must comply with the MDS Formulae. (sketch and calculation attached).

The Official Plan Section 7.1.2.4 states "non-farm development and unrelated agricultural activities will be discouraged in the vicinity of viable farming operations

unless it is demonstrated that they are compatible and will not interfere with normal farming practice". Any new development must comply with the MDS Formulae.

PPS 2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use. No development shall be permitted within the influence area of the existing extractive operation or Mineral Aggregate Resource – holding zone unless an "Impact Assessment" has been prepared to assess any development constraints.

The Official Plan Section 7.2.7 Influence Area states "the following influence areas shall apply between the specified land use and any sensitive land use: Pit and Aggregate Reserve (sand and gravel) – 150 m – above the water table". GIS mapping indicates that the boundary of the Mineral Aggregate – holding Zone is outside the rear lot line of the proposed lot.

PPS 3.1.1.b Development shall be directed to areas outside hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards. As outlined by the MVC the lands are steep and may not be suitable for development. A geotechnical investigation is required.

The Township's Zoning By-law requires that lots have access to an open and maintained municipal road. By eliminating access to Milton's Road (a municipal opened and maintained road) the retained lands will only have frontage on an "Unopened Road Allowance". Therefore the retained lands will require re-zoning to change the zoning from "Rural" to "Limited Service Rural". The Township has not commented on this factor.

Concerns were raised by 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 or the 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:

Gary Glover and Cindy McCall (July 10, 2008)

In the two weeks since we received this letter I have been researching the implications that the proposed severance would have on our existing home and Family Farming operations, as well as the safety issue if having another driveway located 24 ft apart from ours at the top of an already precarious hill, and not within the line of sign of the two driveways below ours on the way up or down the hill.

I have been in a car returning home and driving up this hill in many adverse conditions. Sometimes I end up sideways stuck; sometimes I do complete donuts and end up backwards sliding out of control almost into the creek or worse back on to the County

Rd. Sometimes I back up onto the county road to make a run at the hill. Most of the time I park at the bottom and make the walk about ½ mile in to our home.

In summer month we regularly drive have equipment and fully loaded wagons up and down this hill from the neighbouring farms, which can be a problem if one of the other 2 existing family residences members decide to back out their lane way at the same time as we are coming up with a full load. Another residence at the top will compound the problem.

We have lived at the top of Milton's hill by choice for 23 years raised 3 children and managed to make a living from Organic Farming on the adjacent 125 acres. We have also farmed the Crosbie Farm on the Highland Line and the Temple Farm just past the sugar camp down to Mud Lake on the Ferguson side road. To live at the top of this hill is a full time chore in the winter as the road is steep and the crest of the hill is particularly treacherous in the ice storms and bad weather. My husband drives a school bus down the hill every day and knows the extreme danger of the hill in bad weather, not to mention a potential collision with neighbours backing out a lane-way. We have a million Dollar View of the Highlands but it comes at a cost!

Upon attending an appointment with the Planning Approvals Administrator on July 3rd to obtain more information about this severance, and reviewing the application, I would like to bring a couple of issues to your attention for consideration:

In section 4.5.2 of the township by-law it states "That provisions shall be made for safe access to a lot by avoiding entrances in circumstances where sight lines are limited. There must be safe distance between driveways".

In Section 5.3 of the application Mr. and Mrs Lucas declare that the proposed lot is not within 500 m of an Agricultural operation. I would argue this. Our Farm pasture and barn are within this distance. We have over 4000 sq.ft of barns in use for our farming operations, as well as a four bay implement shed and outdoor storage. Our livestock operation includes sheep, pigs, chickens has grossed \$750,000 over the 23 years, not bad for a marginal Lanark Highlands Farm. We farm organically and market our food through the Ottawa Farmers Market and support family with the food we produce.

We make our living as a Family Farm we are a Licensed Registered Farm. We have filed income taxes as a farm for 23 years, and pay farm taxes to the municipality on our land. As a result of our farming operations our neighbours farms that we use have also been classed for tax purposes as farmland.

In section 7.1.2 Policies of the township by-law states:

In section 2 "Minimum distance separation from livestock facilities and non-farm residential uses to reduce incompatibility"

In section 4 "Non-farm development and related activities will be discouraged in the vicinity of Farm operations unless it is demonstrated that they are compatible and will not interfere with normal farming practices".

To put it bluntly if the city folk don't like the smell or the noise or the view then don't building a house beside it.

We have a creek that runs through our farm it has an area at the bottom of very steep slope which becomes quite wide at different times throughout the year with flooding, and varies each year. The Ministry of Natural Resources and the Conservation Authority have deemed this part of the creek as Fish Habitat. Over the year the creek has been stocked with Trout. The Conservation Authority has sponsored students to walk the flood plain of the creek on our property and study the habitat of the fish. Many people fish this creek, either from the

unopened public road allowance or from the bridge on the township road. Including our selves. We are concerned that the unopened road allowance continue to be accessible to us, and we are not happy to see gates go up at the entrance off county road 12.

The township by-law states: Fish Habitat: Development and site alteration may be permits on the adjacent lands only if it has been demonstrated through the demonstrated preparation of an impact assessment, as required in Section 7.5.2 (8) that there will be no negative impact on natural features or ecological functions, for which the area is defined.

I have some concerns also about the steep slope which exists between the proposed building lot and the creek which runs along the boundary, and the impact of erosion and septic field drainage into the creek, in this location.

I need more time to consult the proper authorities concerning the above mentioned issues. I would ask your permission to do so and report back to you as soon as is reasonable considering people taking summer vacation at this time. I wish to be notified of the date of any public meeting concerning this application for consent and I also wish to be notified of the decision of the land division committee.

(e) MINUTES OF HEARING – October 27, 2008

Clarence and Lola Lucas, applicants were present at the public meeting held on Monday October 27, 2008 and gave evidence under oath. Mrs. Lucas presented a letter from the CA dated Sept 10, 2008 which was entered into the staff report.

(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 Planning Approvals Administrator for review and consent endorsement within a

period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. Payment shall be made to the Township of Lanark Highlands of an amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act.
4. That an Impact Assessment as required in Section 7.5.2 (8) of the Township's Official Plan be prepared.
5. The applicant shall enter into a Site Plan Agreement with the Township of Lanark Highlands in accordance with the Planning Act, to be registered on title of the lot to be severed, and binding upon the owner and all subsequent owners in title. The wording of the agreement shall be acceptable to the Township of Lanark Highlands and Mississippi Valley Conservation (MVC) and shall address their concerns for, but not limited to, site development, drainage, preservation of natural shoreline, site grading, including any recommendations and/or mitigative measures outlined in the "Impact Statement".
6. The application shall obtain the appropriate zoning for the retained lands, to acknowledge that these lands do not front on an "Open and Maintained Municipal Road".
7. The landowner shall enter into a Site Plan Agreement and/or Subdivision Agreement Township of Lanark Highlands, the wording of which shall be satisfactory to the Township, to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all agreements of purchase and sale or lease shall include the clause that the property may be subject to the sights, sounds and smells of agriculture
8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
9. A letter shall be received from the Township stating that conditions #2 and #7 have been fulfilled to their satisfaction.
10. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 and #8 have been fulfilled to their satisfaction.

NOTES

- *The Township advises that, prior to the issuance of building permits for the lots to be severed and retained, development charges must be paid to the Township and civic address signs and entrance permits obtained.*
- *The LGL Health Unit advises that the lot can be made suitable for on-site sewage disposal with the importation of additional granular fill in the proposed tile bed area.*

- *Upon issuance of a building permit, the proposed location of the dwelling shall conform to the MDS 1 calculations in respect to the barn noted north-west of the site.*
- *The Township of Lanark Highlands Official Plan Section 10.11.13 B.4 provides that up to two consents may be granted for a lot or landholding. Committee will not entertain any further consents on the retained lands or the severed lands.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Claude Irwin and Cora Isabel Nolan

Hearing Date: October 27, 2008

Agent: n/a

LDC File #: B08/089

Municipality: Beckwith

Geographic Township: Beckwith

Lot: 11 **Concession:** 3

Roll No. 0924 000 010 17800

Consent Type: New Lot

Purpose and Effect:

To sever a new residential building lot and retain a vacant landholding. This application has been submitted concurrently with B08/090.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	0.4-ha	7.0-ha
Frontage	50 m	250 m
Depth	80 m	205 m
Road - Access to	Powell St	Powell St
Water Supply	Proposed	Proposed
Sewage Disposal	Proposed	Proposed
Official Plan Designation	Residential	
-Conformity?	Yes	
Zoning Category	Residential	Residential
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

Section 1.0 Building Strong Communities Subsection 1.1.3. Settlement Areas

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

Official Plan – Section 4.5 Division of Land, Section 5.1 Residential and 7.3 Local Roads.

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

Zoning By-law – Section 5.1 Residential

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

(b) AGENCY REVIEW

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

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

1. That a copy of the registered reference plan be provided to the Township of Beckwith.
2. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
3. That the location of all entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application for the creation of two 0.4 hectare residential building lots fronting on Powell Street in the Village of Franktown. The 6.6 hectare retained holding is vacant. We have reviewed this application within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement (PPS) under Section 3 of the Planning Act and Section 6.5 Wetlands in the Township of Beckwith Official Plan. A site inspection was undertaken by Authority staff with Mrs. Nolan on July 14, 2008.

It is Provincial policy that wetlands be protected from development by the inclusion of appropriate designations and policies in local planning documents. Wetlands that have been evaluated by the Ministry of Natural Resources as “Provincially Significant” receive the highest degree of protection, including those lands that are within 120 metres of a wetland boundary (i.e. the “adjacent lands”). The adjacent lands are protected for the support they provide to the wetland in terms of biological and hydrological function.

As indicated on the attached map, the applicants’ land holding is situated partially within the Franktown Swamp Provincially Significant Wetland and mostly within the 120 metre adjacent lands boundary. The wetland boundary is defined by the green shaded area on the map and the 120 metre adjacent lands boundary is defined by the dashed black line. The approximate location of the proposed lot lines are indicated in red.

The proposed lots are not situated within the wetland. Therefore the applications do not contravene Section 2.13 of the PPS which states that development and site alteration are not permitted in significant wetlands. However, the lots are situated within the 120 metre adjacent lands boundary. Both the wetland and the 120 metre adjacent lands boundary are subject to the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation” (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). This regulation requires that the owner of the property obtain the written approval of the Rideau Valley Conservation Authority prior to undertaking any form of development or site alteration within the area subject to the

regulation. To determine whether or not approval can be granted for development and site alteration in the 120 metre adjacent lands, it is necessary to undertake a site impact assessment to assess the potential for adverse impact to the form and hydrologic function of the wetland. We have concluded, base on our site inspection and review of the wetland mapping, that the proposed development will not have an adverse impact on the form and hydrologic function of the wetland provided the following mitigative measures are implemented.

1. The rear lot lines shall terminate at a distance no greater than 80 metres from the Powell Street road allowance.
2. The building and sewage system envelopes shall be located on the front half of each lot to minimize the potential for disturbance on those portions of the adjacent lands that are closest to the wetland boundary.
3. Vegetation removal shall be limited to only that which is necessary for the building and sewage system envelopes, access and reasonable amenity area related to the residential use, such that the natural vegetation cover is retained on most of each lot.
4. Any fill placement on the lots shall be limited to that which is required for the installation of the septic systems (location and design to be approved by the Health Unit) and to ensure positive drainage from the foundations. The objective is to minimize the volume of fill required while at the same time achieving these design objectives. Fill shall taper to existing grade at the limits of the building and sewage system envelopes.
5. Final grading of each lot shall be such that natural drainage patterns are maintained (i.e. current direction of flow is maintained in the post-development scenario).
6. Erosion and sediment control measures, appropriate for site conditions, shall be implemented and maintained as necessary until such time as all disturbed areas have been stabilized and revegetated.
7. Lands retained by the current owner shall not be disturbed or altered in any way, including the placement of fill, excavated materials, and construction debris etc.

In conclusion, the Rideau Valley Conservation Authority has no objection to or conditions of approval for these severances applications. By copy of this letter to the applicants, we are advising them that the written authorization of the Conservation Authority is required under Ontario Regulation 174/06 prior to undertaking any site preparation, regarding , filling or construction activity on the proposed lots. Our review of applications submitted in this regard will include an evaluation to ensure that the mitigative measures as described above have been incorporated in the site development plans. The applicants shall provide a copy of this letter to any prospective purchasers to ensure that they are aware of and understand their obligations in this regard. Purchasers should contact the Rideau Valley Conservation Authority.

On-Site Services (Septics) – Leeds Grenville Lanark District Health Unit
Severed Lands – 1 acre severed parcel is vacant and wooded. Bedrock within 1 foot of surface. Drainage does not appear to be a problem. Existing drilled well at North end of property.
Satisfactory. Sandy loam fill will be needed under future leaching bed.

Retained Lands – 16.5 acre retained parcel is vacant and wooded. Bedrock is close to the surface in the area. Satisfactory. Sandy loam fill will be needed under future leaching 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 lot comprising approximately 0.4-ha for residential purposes and retain approximately 7.0-ha for similar purposes. The retained lands are proposed to be further severed under application B08/090.

The proposed severed parcel and the retained lands front on Powell Street in the Franktown Village Plan. The subject lands are located in an area characterized as a “Settlement Area” with residential development on a variety of smaller lots to the west and north, with vacant

lands to the south and east which are part of the Franktown Swamp Provincially Significant Wetland.

Section 1.1. of the PPS – Land Use Patterns, encourages the promotion of efficient land use and development patterns. This is undertaken by encouraging “Settlement Areas” through intensification and redevelopment within existing built-up areas.

The Official Plan Section 5.1 Residential, has recognized the Village of Franktown as a Community Development Area and encourages urban-type growth with these boundaries.

Section 2.1 of the PPS, Natural Heritage has been addressed by the Conservation Authority.

The Official Plan Section 6.5.5 Wetlands states “Within the areas designated as Wetland, the only permitted uses will be conservation, wildlife management and outdoor recreation and education activities that do not require any alteration of the natural features. The proposed lot is not within the Wetland however is partially within the 120m influence area. Mitigative measures have been outlined by the Conservation Authority.

Concerns were raised by the CA, however through mitigative measures the concerns can be addressed. 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

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 OF HEARING – October 27, 2008

Claude and Cora Nolan, applicants were present at the public meeting held on Monday October 27, 2008 and gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Township.
3. That the applicant shall provide the Township with a registered copy of all reference plans associated with this application.
4. That the location of the residential entrance shall be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.
5. That the applicant enter into a Development Agreement / Site Plan Agreement to implement mitigative measures recommended by Rideau Valley Conservation Authority regarding Natural Features and future development of the lands, with the Township of Beckwith, the wording of which shall be satisfaction to the Township and Rideau Valley Conservation Authority.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. A letter shall be received from the Township stating that conditions #2 to #5 have been fulfilled to their satisfaction.
8. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #5 and #6 have been fulfilled to their satisfaction.

NOTES:

Leeds Grenville and Lanark District Health Unit advises that sandy loam fill will be required under future leaching bed, for both the severed and retained lots.

The Township of Beckwith advises that all structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

Rideau Valley Conservation Authority advises that written authorization of the Conservation Authority is required under Ontario Regulation 174/06 prior to undertaking any site preparation, regarding , filling or construction activity on the proposed lots. Our review of applications submitted in this regard will include an evaluation to ensure that the mitigative measures as described above have been incorporated in the site development plans. The applicants shall provide a copy of this letter to any prospective purchasers to ensure that they are aware of and understand their obligations in this regard. Purchasers should contact the Rideau Valley Conservation Authority.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Claude Irwin and Cora Isabel Nolan

Hearing Date: October 27, 2008

Agent: n/a

LDC File #: B08/090

Municipality: Beckwith

Geographic Township: Beckwith

Lot: 11 **Concession:** 3

Roll No. 0924 000 010 17800

Consent Type: New Lot

Purpose and Effect:

To sever a new residential building lot and retain a vacant landholding. This application has been submitted concurrently with B08/089.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	0.4-ha	6.6-ha
Frontage	50 m	200 m
Depth	80 m	205 m
Road - Access to	Powell St	Powell St
Water Supply	Proposed	Proposed
Sewage Disposal	Proposed	Proposed
Official Plan Designation	Residential	
-Conformity?	Yes	
Zoning Category	Residential	Residential
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
Section 1.0 Building Strong Communities Subsection 1.1.3. Settlement Areas
1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Official Plan – Section 4.5 Division of Land, Section 5.1 Residential and 7.3 Local Roads.

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

Zoning By-law – Section 5.1 Residential

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

(b) AGENCY REVIEW

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

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

1. That a copy of the registered reference plan be provided to the Township of Beckwith.
2. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
3. That the location of all entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application for the creation of two 0.4 hectare residential building lots fronting on Powell Street in the Village of Franktown. The 6.6 hectare retained holding is vacant. We have reviewed this application within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement (PPS) under Section 3 of the Planning Act and Section 6.5 Wetlands in the Township of Beckwith Official Plan. A site inspection was undertaken by Authority staff with Mrs. Nolan on July 14, 2008.

It is Provincial policy that wetlands be protected from development by the inclusion of appropriate designations and policies in local planning documents. Wetlands that have been evaluated by the Ministry of Natural Resources as “Provincially Significant” receive the highest degree of protection, including those lands that are within 120 metres of a wetland boundary (i.e. the “adjacent lands”). The adjacent lands are protected for the support they provide to the wetland in terms of biological and hydrological function.

As indicated on the attached map, the applicants’ land holding is situated partially within the Franktown Swamp Provincially Significant Wetland and mostly within the 120 metre adjacent lands boundary. The wetland boundary is defined by the green shaded area on the map and the 120 metre adjacent lands boundary is defined by the dashed black line. The approximate location of the proposed lot lines are indicated in red.

The proposed lots are not situated within the wetland. Therefore the applications do not contravene Section 2.13 of the PPS which states that development and site alteration are not permitted in significant wetlands. However, the lots are situated within the 120 metre adjacent lands boundary. Both the wetland and the 120 metre adjacent lands boundary are subject to the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation” (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). This regulation requires that the owner of the property obtain the written approval of the Rideau Valley Conservation Authority prior to undertaking any form of development or site alteration within the area subject to the

regulation. To determine whether or not approval can be granted for development and site alteration in the 120 metre adjacent lands, it is necessary to undertake a site impact assessment to assess the potential for adverse impact to the form and hydrologic function of the wetland. We have concluded, base on our site inspection and review of the wetland mapping, that the proposed development will not have an adverse impact on the form and hydrologic function of the wetland provided the following mitigative measures are implemented.

1. The rear lot lines shall terminate at a distance no greater than 80 metres from the Powell Street road allowance.
2. The building and sewage system envelopes shall be located on the front half of each lot to minimize the potential for disturbance on those portions of the adjacent lands that are closest to the wetland boundary.
3. Vegetation removal shall be limited to only that which is necessary for the building and sewage system envelopes, access and reasonable amenity area related to the residential use, such that the natural vegetation cover is retained on most of each lot.
4. Any fill placement on the lots shall be limited to that which is required for the installation of the septic systems (location and design to be approved by the Health Unit) and to ensure positive drainage from the foundations. The objective is to minimize the volume of fill required while at the same time achieving these design objectives. Fill shall taper to existing grade at the limits of the building and sewage system envelopes.
5. Final grading of each lot shall be such that natural drainage patterns are maintained (i.e. current direction of flow is maintained in the post-development scenario).
6. Erosion and sediment control measures, appropriate for site conditions, shall be implemented and maintained as necessary until such time as all disturbed areas have been stabilized and revegetated.
7. Lands retained by the current owner shall not be disturbed or altered in any way, including the placement of fill, excavated materials, and construction debris etc.

In conclusion, the Rideau Valley Conservation Authority has no objection to or conditions of approval for these severances applications. By copy of this letter to the applicants, we are advising them that the written authorization of the Conservation Authority is required under Ontario Regulation 174/06 prior to undertaking any site preparation, regarding , filling or construction activity on the proposed lots. Our review of applications submitted in this regard will include an evaluation to ensure that the mitigative measures as described above have been incorporated in the site development plans. The applicants shall provide a copy of this letter to any prospective purchasers to ensure that they are aware of and understand their obligations in this regard. Purchasers should contact the Rideau Valley Conservation Authority.

On-Site Services (Septics) – Leeds Grenville Lanark District Health Unit
Severed Lands – 1 acre severed parcel is vacant and wooded. Bedrock within 1 foot of surface. Drainage does not appear to be a problem. Existing drilled well at North end of property.
Satisfactory. Sandy loam fill will be needed under future leaching bed.

Retained Lands – 16.5 acre retained parcel is vacant and wooded. Bedrock is close to the surface in the area. Satisfactory. Sandy loam fill will be needed under future leaching 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 lot comprising approximately 0.4-ha for residential purposes and retain approximately 6.6-ha for similar purposes. The application has been submitted concurrently with B08/089.

The proposed severed parcel and the retained lands front on Powell Street in the Franktown Village Plan. The subject lands are located in an area characterized as a “Settlement Area” with residential development on a variety of smaller lots to the west and north, with vacant lands to the south and east which are part of the Franktown Swamp Provincially Significant Wetland.

Section 1.1. of the PPS – Land Use Patterns, encourages the promotion of efficient land use and development patterns. This is undertaken by encouraging “Settlement Areas” through intensification and redevelopment within existing built-up areas.

The Official Plan Section 5.1 Residential, has recognized the Village of Franktown as a Community Development Area and encourages urban-type growth with these boundaries.

Section 2.1 of the PPS, Natural Heritage has been addressed by the Conservation Authority.

The Official Plan Section 6.5.5 Wetlands states “Within the areas designated as Wetland, the only permitted uses will be conservation, wildlife management and outdoor recreation and education activities that do not require any alteration of the natural features. The proposed lot is not within the Wetland however is partially within the 120m influence area. Mitigative measures have been outlined by the Conservation Authority.

Concerns were raised by the CA, however through mitigative measures the concerns can be address. 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

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 OF HEARING – October 27, 2008

Claude and Cora Nolan, applicants were present at the public meeting held on Monday October 27, 2008 and gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Township.
3. That the applicant shall provide the Township with a registered copy of all reference plans associated with this application.
4. That the location of the residential entrance shall be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.
5. That the applicant enter into a Development Agreement / Site Plan Agreement to implement mitigative measures recommended by Rideau Valley Conservation Authority regarding Natural Features and future development of the lands, with the Township of Beckwith, the wording of which shall be satisfaction to the Township and Rideau Valley Conservation Authority.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. A letter shall be received from the Township stating that conditions #2 to #5 have been fulfilled to their satisfaction.
8. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #5 and #6 have been fulfilled to their satisfaction.

NOTES:

Leeds Grenville and Lanark District Health Unit advises that sandy loam fill will be required under future leaching bed, for both the severed and retained lots.

The Township of Beckwith advises that all structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

Rideau Valley Conservation Authority advises that written authorization of the Conservation Authority is required under Ontario Regulation 174/06 prior to undertaking any site preparation, regarding , filling or construction activity on the proposed lots. Our review of applications submitted in this regard will include an evaluation to ensure that the mitigative measures as described above have been incorporated in the site development plans. The applicants shall provide a copy of this letter to any prospective purchasers to ensure that they are aware of and understand their obligations in this regard. Purchasers should contact the Rideau Valley Conservation Authority.

The Township of Beckwith Official Plan Section 4.5.1 provides that up to two consents may be granted for a lot or landholding. Committee will not entertain any further consents on the retained lands or the severed lands.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: William Hay **Hearing Date:** October 27, 2008
Agent: Novatech Engineering Consultants
LDC File #: B08/102
Municipality: Beckwith
Geographic Township: Beckwith **Lot:** 8, 9 and 10 **Concession:** 10
Roll No. 0914 000 035 33600 **Consent Type:** new lot

Purpose and Effect:

To sever a 41.4-ha vacant landholding and retain a 33.5-ha vacant landholding. The lands to be severed are the subject of a draft plan of subdivision being processed under File No. 09-T-06009. The lands to be retained are shown as 'other lands owned by applicant' on the draft plan of subdivision.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Subdivision	Vacant
Area	41.4-ha	33.5-ha
Frontage	303.3 m	609.9 m
Depth	1335.3 m	516.6 m
Road - Access to	Beckwith 10 th Line	Beckwith 10 th Line
Water Supply	Proposed	None
Sewage Disposal	Proposed	None
Official Plan Designation -Conformity?	Severed: Residential Retained: Rural Yes	
Zoning Category	Rural Residential – holding Flood Plain	Rural Residential – holding Flood Plain
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes
-Depth Required (min.)	N/A	N/A
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
Section 1.0 Building Strong Communities – the lands are located adjacent to Carleton Place and are the subject of an application for subdivision.
Natural Heritage Section 2.1.1 Natural features and areas shall be protected for the long term.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas.

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 document
Natural Hazards Section 3.1.1 Development shall generally be direct to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan – Section 4.5 Division of Land, Section 5.1 Residential, Section 6.6 Rural Land and Section 7.3 Local Roads.

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

Zoning By-law – Section 4.5 Holding zones, Section 5.1 Residential, Section 5.4 Rural Residential and Section 12.1 Flood Plain.

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

(b) AGENCY REVIEW

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

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

- That a copy of the registered reference plan be provided to the Township of Beckwith.
 - That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
- That the location of all entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.

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

According to the information provided, the purpose of the subject application is to sever a 41.4-ha vacant parcel of land and to retain a 33.5-ha vacant parcel of land. We understand that the proposed severed lands form part of a draft plan of subdivision currently under review and that no new development is proposed on the retained lands.

A review of available mapping revealed that a portion of the proposed retained land is located within the 1:100 year flood plain of Mississippi Lake. Also, an unnamed intermittent watercourse runs through the proposed severed and retained and drains into Mississippi Lake. It is our initial assessment that this watercourse does not likely support

fish habitat; however, a fisheries assessment has not been completed. In addition, a review of available mapping revealed several pockets of wetland on the proposed retained lands. No other natural heritage features or natural hazards were identified.

MVC has no objection to the proposed severance provided the following mitigative measures are adhered to on the proposed retained lands:

- Future development shall occur outside of the 1:100 year flood plain of Mississippi Lake.
- The poor drainage and unstable characteristics of organic soils makes them unsuitable for development. Therefore, with regard to site selection for future structures, development shall be directed outside of lowland/wetland areas containing organic soils.

All recommendations and comments concerning the proposed development on the severed lands will be addressed through the subdivision review process.

The applicant should be advised that a portion of the proposed retained lands are regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written permission is required from MVC prior to the initiation of any construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or Regulation Limit of Mississippi Lake, or alterations to the shoreline of the lake.

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) – review was undertaken through the Subdivision process. Installation will be in accordance with the approved plan and sub-division agreement.

Hydro One Networks – review undertaken through the Subdivision process. Installation will be in accordance with the approved plan and sub-division agreement.

Bell Canada R-O-W – review undertaken through the subdivision process. Installation will be in accordance with the approved plan and sub-division agreement.

(c) PLANNING REVIEW

The applicant proposes to sever a lot comprising approximately 41.4-ha of land which are the subject of a draft plan of subdivision application being processed under File No. 09-T-06009.

The lands to be retained are 33.5-ha in area and were shown as "other lands owned by applicant" on the draft plan of subdivision.

The reason for the consent application is that the plan of subdivision process requires an "Absolute Title Application" for any land holding associated with a subdivision. The applicant does not want to survey or pursue an "Absolute Title Application" for the retained lands since they are not part of the subdivision application.

Both the proposed severed parcel and the retained lands front on the 10th Conc. Line Beckwith. Development of the severed lands will be in accordance with the "Conditions of Draft Approval" for Sub-division File No.09-T-06009. The subject lands are located in an area characterized by residential development on a variety of lot sizes to the east, west and north, open rural lands are located to the south.

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

There were no concerns or 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:

James Little (August 19, 2008)

My concern is over the possible deterioration of our well once drilling for new wells begins. Following the drilling of that appears to be a test well on the subject land close to our home, black sediment and brown discoloration began appearing in our tap water. As I felt unable to legally prove a connection without incurring restrictive expenses, I did not pursue the matter. Nonetheless, I am convinced that once the drilling of additional wells of the magnitude being proposed gets underway, we will be left with a well that would be unsuitable for anything other than toilets. The Health Unit does not accept water in such condition for testing of potability, so our home would become impossible to sell. My recommendation is that the development of a subdivision not be permitted when there is the probability that existing landowners are impacted in such a way.

I wish to be notified of the public meeting, and of the decision of the Land Division Committee.

Ken Gendron (August 27, 2008)

I wish to be notified of the public meeting regarding and be notified of the decision of the Land Division Committee regarding the above.

My property is located on lot 10 Concession 10 Beckwith Township and I am most concerned about the impact that this subdivision will have on the quality of life I currently enjoy at this located. I am very concerned about the impact that development will have on the flow rate of my well.

If the process for submitting recommendations to the committee is simply making recommendations to the committee in writing, consider the following as my recommendations:

1. The proposed lots shall not have any development or alteration to the vegetation on the last most northerly 60 feet of the lot, this creating a visual and noise buffer between the new lots and existing lots.

2. Any change in well water rates to the current wells on bordering properties be rectified at the cost of the developer.
3. Any current well that is less than 75 feet be replaced at the cost of the developer as a proactive strategy.
4. Any costs required to determine baseline water conditions be born by the developer.

Amanda and Devin Davies (Sept 4, 2008)

I am writing to you regarding the subject land. We have lived here on Lake Park Road for 3 years now. There are 3 outbuildings that have been on the property for over 30 years. The deed shows that one of the buildings is off of our property line, and the other two are partially off our property. I do believe squatters rights come into effect here.

We would like to know a little more about the drainage system. It gets fairly wet back there in the spring and we, on Lake Park Road, usually get flooded in the spring. What will happen when there are houses back there? Where is all the water going to go? Are the houses going to be building directly on the bedrock?

We would like to be informed of the public meeting, and we would also like to be notified of the final decision.

(e) MINUTES OF HEARING – October 27, 2008

Greg Mignon, agent for the applicant, was present at the public meeting held on Monday October 27, 2008 and gave evidence under oath.

Mr. Mignon outlined the process required to undertake "Absolute Title" as required under the Land Title regulations for Subdivision Registration.

(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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Township.

3. That the applicant shall provide the Township with a registered copy of all reference plans associated with this application.
4. That the location of the residential entrance shall be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from the Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.
7. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.

NOTES:

- *The Township of Beckwith advises that all structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
- *Mississippi Valley Conservation advises that future development on the retained land shall occur outside of the 1:100 year flood plain of Mississippi Lake.*
- *Mississippi Valley Conservation advises that poor drainage and unstable characteristics of organic soils on the retained lands makes them unsuitable for development. Therefore, with regard to site selection for future structures, development shall be directed outside of lowland/wetland areas containing organic soils.*
- *The Mississippi Valley Conservation advises that a portion of the proposed retained lands are regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written permission is required from MVC prior to the initiation of any construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or Regulation Limit of Mississippi Lake, or alterations to the shoreline of the lake.*
- *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Diane Falvey **Hearing Date:** October 27, 2008
Agent: Lorna Cameron
LDC File #: B08/103
Municipality: Tay Valley
Geographic Township: Bathurst **Lot:** 12 and 13 **Concession:** 5
Roll No. 0911 916 020 07600 **Consent Type:** Lot Addition

Purpose and Effect:

To sever a 3.25-ha vacant parcel of land as a lot addition to E Pt Lot 12 Concession 5 RP27R-3503 Parts 1, 2 and 3 geographic Township of Bathurst owned by Lorna and John Cameron and to retain a 78.98-vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Vacant	Vacant
Area	3.25-ha	78.98-ha
Frontage	54.35 m	518.16 m
Depth	285.54 m	1300 m +/-
Road - Access to	Bathurst 5 th Conc.	Bathurst 5 th Conc.
Water Supply	None	None
Sewage Disposal	None	None
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	n/a	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	n/a	Yes
-Depth Required (min.)	n/a	N/A
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

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

Official Plan - 3.6 Rural and 5.2 Land Division

Tay Valley Township advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – 10.1 Rural

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:

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

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

Conservation Authority – Rideau Valley Conservation Authority

The subject application for consent has been reviewed by the Rideau Valley Conservation Authority (RVCA) and we offer the following comments to the Committee.

The proposal involves a 3.25 ha parcel as a lot addition to an adjacent property with an existing residential dwelling. A 78 ha parcel remains in the retained lands. The lots front on Bathurst 5th Concession Road. There is a seasonal watercourse that flows through the subject lands (includes retained and severed). The watercourse is a tributary of Rusdale Creek which eventually flows into the Tay River. The severed portion is currently vacant.

In regard to the setbacks from watercourses (and wetlands), the RVYA recommends a minimum development setback of 30 metres. The watercourse on the property is subject to the Authority's "Alteration to Waterways Regulation" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.

In regard to our assessment of natural hazards and heritage, there is no anticipated impact to these features as a result of the proposed severance. The Conservation Authority has no objection to the application provided that the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law.

Trusting this is satisfactory we thank you for the opportunity to comment. Please do not hesitate to contact (Matt Craig) should there be any questions. Please provide a copy of the Committee's decision to the RVCA. We would also appreciate being advised of any change in the status of the application.

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

A review has been undertaken to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code.

The purpose of the application as understood by this office is to transfer an existing road allowance back to the original grantor. The transfer of this road allowance will not impact any on-site wastewater systems and the Mississippi-Rideau Septic System Office has no objection to this proposal.

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

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

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

Hydro One Networks – Application was cleared with no issues.

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

(c) PLANNING REVIEW

The applicant proposes to sever a lot comprising approximately 3.25-ha as a lot addition to Pt E Lot 12 Conc. 5 Bathurst RP27R3505 Parts 1, 2 & 3 and retain a vacant landholding comprised of 78.98-ha.

The proposed lot addition and the retained lands front on Bathurst 5th Conc. The lands are located in an area characterized as rural with a variety of residential development on large lots and other large landholdings. Large pockets of “Organic Soils” lie to the north of the lot.

The existing lot to be enlarged is comprised of 0.91-ha, slightly below the new 1.0-ha requirement for new lot development. The increase size brings the lot into conformity with surrounding residential lots.

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

(d) PUBLIC INPUT

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

(e) MINUTES OF HEARING – October 27, 2008

John and Lorna Cameron, agents for the applicant, were present at the public meeting held on Monday October 27, 2008 and gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Township.
3. That the Township shall be reimbursed for all costs incurred for reviewing this application.
4. That the applicant shall provide the Township with two (2) copies of the registered plans associated with this application.
5. That the applicant shall provide the Township with a copy of the Deed / Transfer.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. A letter shall be received from the Township stating that conditions #2 to #5 have been fulfilled to their satisfaction.
8. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #6 has been fulfilled to their satisfaction.
9. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Lorna and John Cameron (PE Pt Lot 12 Concession 5 Bathurst RP27R-3503 Parts 1, 2 and 3), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel

unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction

NOTES:

Rideau Valley Conservation Authority advises that written authorization of the Conservation Authority is required under Ontario Regulation 174/06 prior to undertaking any site preparation, regarding , filling or construction activity on the proposed lot and retained lands.

Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from the high water mark of Rusdale Creek and respect all required Ontario Building Code setback and construction requirements.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Hubert Garfield Ennis

Hearing Date: October 27, 2008

Agent: Rob Ferrier

LDC File #: B08/104

Municipality: Tay Valley

Geographic Township: Bathurst

Lot: 11 & 12

Concession: 10

Roll No. 0911 916 030 18200

Consent Type: New Lot

Purpose and Effect:

To sever a 16.21-ha residential building lot and retain a 27.84 vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Vacant
Area	16.21-ha	27.84-ha
Frontage	364.1 m	590 m
Depth	615 m	615 m
Road - Access to	Ennis Road	Ennis Road
Water Supply	Proposed	None
Sewage Disposal	Proposed	None
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes
-Depth Required (min.)	N/A	N/A
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

Strong Communities Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

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

Section 2.1.5 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas.

Section 2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water.

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 document

Natural Hazards Section 3.1.1 Development shall generally be direct to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan – Section 3.6 Rural, Section 2.19.2 Organic Soils and 5.2 Land Division
Tay Valley Township advises that the proposal conforms with the designations and policies of the Official Plan.

Notes: Since organic soils present on the subject property, future development should be directed to areas outside of organic soils. Soil and engineering information may be required to indicate the lands are suitable for development.

Zoning By-law – Section 10.1 Rural

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:

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for review.
3. Copy of Deed / Transfer.
4. 2 copies of the reference plan.
5. Parkland contribution of \$100.00

Notes: Organic soils are present on the subject property. Future development should be directed to areas outside of organic soils. Geotechnical information may be requested by the Township prior to issuance of a building permit.

Conservation Authority – Mississippi Valley Conservation (October 24, 2008)

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

According to the information provided, the applicant proposes to sever 1 vacant residential building lot of 16.21 ha and to retain a 27.84-ha vacant parcel of land.

According to a review of available GIS mapping, the retained land consists of a wetland, part of which is open-water. And, as confirmed during a site visit conducted by MVC staff on October 23, 2008, an unnamed creek surrounded by lowland connects this wetland to Bennett Lake. No natural heritage features or natural hazards were identified on the proposed severed lands.

The resulting lots meet with the current minimum area and frontage requirements set out in the Township of Tay Valley's Zoning By-law and sufficient area exists to locate future development

in an area that complies with the zoning by-laws and various setback requirements. With all of this in consideration, MVC does not object to the subject application provided the following mitigative measures are implemented on the proposed retained lands:

1. A minimum 30 metre setback from the seasonal high water mark of the unnamed creek and the wetland shall be maintained for future structures and a septic system.
2. The shoreline vegetation surrounding the wetland and the unnamed creek shall be retained to a minimum depth of 15 metres.
3. The poor drainage and unstable characteristics of organic soils makes them unsuitable for development. Therefore, with regard to site selection for future structures, development shall be directed outside of lowland/wetland areas containing organic soils.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the creek, wetland or onto adjacent properties.

The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

In addition, any proposed works in or near the creek and wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

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

The severed portion of the subject property has an area of approximately 16.21 hectares. The retained portion is proposed to have an area of 27.84 hectares. There is sufficient space on both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

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

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

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

Hydro One Networks – Some poles are on the property. Voltage rating 4800 V. Not sure if HONI has any easements.

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

(c) PLANNING REVIEW

The applicant proposes to sever a lot comprising approximately 16.21-ha for residential purposes and retain approximately 27.84-ha as a vacant landholding.

The proposed severed parcel and the retained lands front on Ennis Road. The subject lands are located in an area characterized as 'rural' with residential development on large lots. The lands are within 300m of a "Primary Water Source" (Bennett Lake) therefore are subject to possible "Archaeological Potential".

The Official Plan for Tay Valley indicated that a large portion of the proposed lot contains "Organic Soils". Organic Soils are defined as "any soil or soil horizon consisting chiefly of, or containing at least 30% of, organic matter; examples Soil with a high organic content; in general, organic soils are very compressible and have poor load-sustaining properties". However, there appears to be sufficient area on the northerly section of the proposed lot for a building envelope outside the organic soils area.

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

(d) PUBLIC INPUT

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

(e) MINUTES OF HEARING – October 27, 2008

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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Township.
3. That the Township shall be reimbursed for all costs incurred for reviewing this application.
4. That the applicant shall provide the Township with two (2) copies of the registered plans associated with this application.
5. That the applicant shall provide the Township with a copy of the Deed / Transfer.
6. Payment shall be made to Tay Valley Township an amount of \$100.00 pursuant to Section 51.1 of the Planning Act.
7. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
8. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.
9. A letter shall be received from the Mississippi Valley Conservation stating that condition #7 has been fulfilled to their satisfaction.

Notes:

- *Organic soils are present on the lands. Future development should be directed to areas outside the organic soils area. Geotechnical information may be requested by the Township prior to issuance of a building permit.*

- *Mississippi Valley Conservation advises that the retained lands may have development constraints. Mitigative measures for development are set out in their letter of October 24, 2008.*
- *Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.*
- *Mississippi Valley Conservation advises that any proposed works in or near the unnamed creek to Bennett Lake and the wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Francis E Badour

Hearing Date: October 27, 2008

Agent: n/a

LDC File #: B08/105

Municipality: Drummond / North Elmsley

Geographic Township: Drummond

Lot: 16 **Concession:** 12

Roll No. **0919 919 025 62900**

Consent Type: Lot Addition

Purpose and Effect:

To sever a 0.49-ha parcel of land as a lot addition to Parts 18 and 19 on the Ferguson's Falls Plan and to retain a 14.8-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Vacant
Area	.49-ha	14.8-ha
Frontage	38.1 m	366 m
Depth	87.5 m	386.8 m
Road - Access to	Park Street (Unopened)	Ferguson's Falls Road
Water Supply	Proposed	None
Sewage Disposal	Proposed	None
Official Plan Designation	Hamlet	
-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
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and directing land use to achieve efficient development and land use patterns.

1.1.3 Settlement Areas

Official Plan – Section 4.2 Hamlet, Section 3.7 Division of Land, Section 3.8 Environmental Impact Study.

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

Zoning By-law – Section 7 Rural

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

(b) AGENCY REVIEW

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

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

- That the balance of any outstanding taxes shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

Conservation Authority – Mississippi Valley Conservation

A cursory review of the above noted application revealed no issues with regard to Mississippi Valley Conservation's plan input and review program. We have therefore screened this application out of our formal review process.

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

Severed Lands – relatively flat scrub land sloping from South to North. No soil drainage problem. Sandy soil 5 feet deep. Proposed addition to an existing lot. Satisfactory.
Retained Lands – relatively flat scrub land with no soil drainage problems. Sandy soil 5 feet deep. Satisfactory.

Hydro One Networks – Application was cleared with no issues.

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

Lanark County Public Works – The retained lands to be accessed via a municipal road (Drummond Conc. 12B) and the severed lands (permit No. 2188) are a lot addition only and will gain access via County Road 15 (Ferguson's Falls Road).

Road Widening is not required.

Applicant has an approved entrance location (#2188). Entrance to be installed prior to deed endorsement.

(c) PLANNING REVIEW

The applicant proposes to sever a lot comprising approximately 0.49-ha of land as a lot addition to lands owned by Francis E Badour and described as Lot 18 and 19 on Ferguson's Falls Town Plan No. 158. The lands to be enlarged front on Ferguson's Falls Road (County Road No. 15).

The subject lands are located in an area characterized by residential development on a variety of lot sizes to the west and north; open rural lands are located to the south and east which are subject to flooding

The lands to be retained are 14.8-ha in area and are vacant lands. These lands front on both Drummond Con 12B and Ferguson's Falls Road, however access will be via Drummond Con 12B.

The Drummond / North Elmsley Official Plan encourage the enlargement of existing undersized lots.

There were no concerns or 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 OF HEARING – October 27, 2008

Francis Badour, applicant, was present at the public meeting held on Monday October 27, 2008 and gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Township.

3. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Land Titles Office.
4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley for road widening purposes. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The County Public Works Department shall confirm that the existing/proposed entrance to the lot (Permit No. 2188) has been installed to the satisfaction of the County.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. A letter shall be received from the Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.
8. A letter shall be received from the County of Lanark Public Works Department stating that condition #5 has been fulfilled to their satisfaction.
9. A letter shall be received from the Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.
10. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Francis E Badour (Pt Lot 16, Concession 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley being Parts 18 and 19 on the Ferguson's Falls Plan No. 158), 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.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Daryl & Shana Ziebarth **Hearing Date:** October 27, 2008
Agent: n/a
LDC File #: B08/106
Municipality: Mississippi Mills
Geographic Township: Pakenham **Lot:** 19 & 20 **Concession:** 12 NW
Roll No. 0931 946 030 09900 & 0931 946 030 10101 00000 **Consent Type:** New Lot

Purpose and Effect:

To sever a 0.41-ha parcel of land with an existing residence and to retain a 40.2-ha farm landholding with an existing residence, barns and outbuildings. The lands are accessed by 12th Con N Pakenham. This application has been submitted concurrently with B08/107.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residence	Farm Land
Proposed Use	Residence	Farm Land
Area	0.41 ha	40.2 ha
Frontage	82 m	560 m
Depth	50 m	550 m
Road - Access to	12 th Con N Pakenham	12 th Con N Pakenham
Water Supply	Private individual well	Private individual well
Sewage Disposal	Private septic system	
Official Plan Designation -Conformity?	Agriculture Requires re-zoning – Section 3.2.7.1	
Zoning Category	Agriculture	Agriculture
-Area Required (min.)	0.4-ha	37.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	150 m
-Compliance?	Yes	Yes
-Depth Required (min.)	N/A	N/A
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
Section 2.3.4 Lot Creation

Official Plan – Section 2.5 Growth and Settlement, Section 3.2 Agricultural Policies, Section 4.6 Transportation.

The Town of Mississippi Mills advises that the proposal conforms with the designations and policies of the Official Plan, provided the retained lands are rezoned to prohibit the construction of a new residential dwelling on the farm land parcel.

Zoning By-law – Section 6 General Provisions, Section 8 Agricultural Zone.

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

(b) AGENCY REVIEW

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

Town 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 pay any outstanding property taxes on the subject property;
3. That the applicant must rezone the retained lands to prohibit the construction of a new residential dwelling on the farm land parcel.
4. That the owner shall register a covenant on title of the title of the severed land stating that the lot is adjacent to an agricultural area and may therefore be subject to noise, odours and other nuisances associated with agricultural activities.

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the applications is to sever a 0.41-ha parcel of land with an existing dwelling (B08/106), a second 0.64-ha parcel of land with an existing dwelling (B08/107) and to retain a 40.2-ha farm landholding with an existing barn.

A review of available mapping shows Cartwright's Creek running through a portion of the proposed severed lot B08/107 as well as through the retained lands. A site visit conducted by MVC staff on October 22, 2008 confirmed the presence of this watercourse. The retained lands are agricultural fields.

Both of the resulting lots (severed and retained) meet with the current minimum area and frontage requirements set out in the Town of Mississippi Mills' Zoning By-law. In addition, the proposed severed lots are already developed and no new development is proposed at this time. We assume that, as stipulated in the Zoning By-law, the minimum waterbody setback requirement as well as the requirement to retain the shoreline vegetation will be adhered to during any potential future development on the proposed severed and retained lots. With all of this in consideration, MVC does not have any objection to the proposed severances.

The property owner should be advised that in the event that shoreline work is proposed, written permission is 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 creek should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed Lands – Existing residential house serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Clay soil 5 feet deep. Satisfactory.

Retained Lands – Existing farmland and outbuildings serviced by a private well. Clay soil 5 feet deep. Satisfactory.

Hydro One Networks – No comments were received.

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

Canadian Pacific Railway – No comments were received.

(c) PLANNING REVIEW

The applicant proposes to sever a lot comprising approximately 0.41-ha with an existing residential dwelling and retain approximately 40.2-ha as farmland.

The proposed severed parcel and the retained lands front on 12th Con N Pakenham. The subject lands are located in an area characterized as 'agricultural' to the north, south, east and west. Pockets of residential development on smaller lots are located to the south and north along the Municipal Road.

The Provincial Policy Statements Section 2.3.4.1 provides that lot creation in prime agricultural areas be discouraged and may only be permitted for (c) a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

Section 3.2.7.1 of the Town's Official Plan also provides that the Town may request a condition on the Land Division Committee decision to sever to require the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may therefore be subjected to noise, dust, odours and other nuisances associated with agricultural activities.

The Rural section of the Official Plan (3.3.6 iv) requires that new lot must be at least one hectare, however the Agricultural Policies “the lot area and frontage for surplus farm dwelling lots should be kept to a minimum in order to keep as much land in agricultural production as possible, but generally should not be less than 0.4-ha in size.

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

(d) PUBLIC INPUT

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

(e) MINUTES OF HEARING – October 27, 2008

Daryl Ziebarth, applicant, was present at the public meeting held on Monday October 27, 2008 and gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Town.
3. That the applicant shall provide the Town with a copy of the registered plans associated with this application.
4. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Town of Mississippi Mills, the wording of which shall be satisfactory to the Town, to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all agreements of purchase and sale or lease shall include the clause that the property may be subject to the sights, sounds and smells of agriculture.

5. That the applicant rezone the retained lands to prohibit the construction of a new residential dwelling on the farm land parcel.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. A letter shall be received from the Town stating that conditions #2 to #5 have been fulfilled to their satisfaction.
8. A letter shall be received from the Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.

NOTES:

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

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Daryl & Shana Ziebarth **Hearing Date:** October 27, 2008
Agent: n/a
LDC File #: B08/107
Municipality: Mississippi Mills
Geographic Township: Pakenham **Lot:** 19 & 20 **Concession:** 12 NW
Roll No. 0931 946 030 09900 & 0931 946 030 10101 00000 **Consent Type:** New Lot

Purpose and Effect:

To sever a 0.41-ha parcel of land with an existing residence and to retain a 40.2-ha farm landholding with an existing residence, barns and outbuildings. The lands are accessed by 12th Con N Pakenham. This application has been submitted concurrently with B08/106.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residence	Farm Land
Proposed Use	Residence	Farm Land
Area	0.6384 ha	40.2 ha
Frontage	76 m	560 m
Depth	84 m	550 m
Road - Access to	12 th Con N Pakenham	12 th Con N Pakenham
Water Supply	Private individual well	Private individual well
Sewage Disposal	Private septic system	
Official Plan Designation -Conformity?	Agriculture Requires re-zoning – Section 3.2.7.1	
Zoning Category	Agriculture	Agriculture
-Area Required (min.)	0.4-ha	37.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	150 m
-Compliance?	Yes	Yes
-Depth Required (min.)	N/A	N/A
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
Section 2.3.4 Lot Creation

Official Plan – Section 2.5 Growth and Settlement, Section 3.2 Agricultural Policies, Section 4.6 Transportation.

The Town of Mississippi Mills advises that the proposal conforms with the designations and policies of the Official Plan, provided the retained lands are rezoned to prohibit the construction of a new residential dwelling on the farm land parcel.

Zoning By-law – Section 6 General Provisions, Section 8 Agricultural Zone.

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

(b) AGENCY REVIEW

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

Town 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 pay any outstanding property taxes on the subject property;
3. That the applicant must rezone the retained lands to prohibit the construction of a new residential dwelling on the farm land parcel.
4. That the owner shall register a covenant on title of the title of the severed land stating that the lot is adjacent to an agricultural area and may therefore be subject to noise, odours and other nuisances associated with agricultural activities.

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the applications is to sever a 0.41-ha parcel of land with an existing dwelling (B08/106), a second 0.64-ha parcel of land with an existing dwelling (B08/107) and to retain a 40.2-ha farm landholding with an existing barn.

A review of available mapping shows Cartwrights Creek running through a portion of the proposed severed lot B08/107 as well as through the retained lands. A site visit conducted by MVC staff on October 22, 2008 confirmed the presence of this watercourse. The retained lands are agricultural fields.

Both of the resulting lots (severed and retained) meet with the current minimum area and frontage requirements set out in the Town of Mississippi Mills' Zoning By-law. In addition, the proposed severed lots are already developed and no new development is proposed at this time. We assume that, as stipulated in the Zoning By-law, the minimum waterbody setback requirement as well as the requirement to retain the shoreline vegetation will be adhered to during any potential future development on the proposed severed and retained lots. With all of this in consideration, MVC does not have any objection to the proposed severances.

The property owner should be advised that in the event that shoreline work is proposed, written permission is 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 creek should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed Lands – Existing residential house serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Clay soil 5 feet deep. Satisfactory.

Retained Lands – Existing farmland and outbuildings serviced by a private well. Clay soil 5 feet deep. Satisfactory.

Hydro One Networks – No comments were received.

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

Canadian Pacific Railway – No comments were received.

(c) PLANNING REVIEW

The applicant proposes to sever a lot comprising approximately 0.638-ha with an existing residential dwelling and retain approximately 40.2-ha as farmland.

The proposed severed parcel and the retained lands front on 12th Con N Pakenham. The subject lands are located in an area characterized as 'agricultural' to the north, south, east and west. Pockets of residential development on smaller lots are located to the south and north along the Municipal Road.

The Provincial Policy Statements Section 2.3.4.1 provides that lot creation in prime agricultural areas be discouraged and may only be permitted for (c) a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

Section 3.2.7.1 of the Town's Official Plan also provides that the Town may request a condition on the Land Division Committee decision to sever to require the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may therefore be subjected to noise, dust, odours and other nuisances associated with agricultural activities.

The Rural section of the Official Plan (3.3.6 iv) requires that new lot must be at least one hectare, however the Agricultural Policies “the lot area and frontage for surplus farm dwelling lots should be kept to a minimum in order to keep as much land in agricultural production as possible, but generally should not be less than 0.4-ha in size.

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

(d) PUBLIC INPUT

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

(e) MINUTES OF HEARING – October 27, 2008

Daryl Ziebarth, applicant, was present at the public meeting held on Monday October 27, 2008 and gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Town.
3. That the applicant shall provide the Town with a copy of the registered plans associated with this application.
4. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Town of Mississippi Mills, the wording of which shall be satisfactory to the

Town, to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all agreements of purchase and sale or lease shall include the clause that the property may be subject to the sights, sounds and smells of agriculture.

5. That the applicant rezone the retained lands to prohibit the construction of a new residential dwelling on the farm land parcel.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. A letter shall be received from the Town stating that conditions #2 to #5 have been fulfilled to their satisfaction.
8. A letter shall be received from the Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.

NOTES:

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

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Steve & Tiffany Nixon

Hearing Date: October 27, 2008

Agent: Ralph Shaw

LDC File #: B08/109

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 3 **Concession:** 3

Roll No. 0931 929 0300 7200

Consent Type: Lot Addition

Purpose and Effect:

To sever a 2.48-ha landholding with an existing residential dwelling as a lot addition to Part 1 Plan 26R-3252 and to retain a 3.35-ha residential building lot. The lands are accessed by Highway #7. Both the lands to be retained and the lands to be enlarged have existing entrances to Highway #7.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Single Family Residence	Vacant Land
Proposed Use	Single Family Residence	Single Family Residence
Area	2.48 ha	3.35 ha
Frontage	185 m	610 m
Depth	77 m (W) 120 m (E)	120 m (W) 63 m (E)
Road - Access to	Hwy 7 - existing	Hwy 7 - existing
Water Supply	Private Individual Well	Proposed well
Sewage Disposal	Septic tank installed	Proposed septic tank
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	N/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

Section 1.1.4.d In rural areas development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Section 1.6.5.2 Efficient use shall be made of existing and planned infrastructure (Hwy 7).

Section 2.1.4 Natural Heritage Development and site alteration shall not be permitted in significant areas of natural and scientific interest.

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

Official Plan – Section 2.5 Growth and Settlement, Section 3.3.2. Environmental and Natural

Heritage Features, Section 3.3 Rural Policies, Section 4.6 Transportation.

The Town of Mississippi Mills advises that the proposal conforms with the designation and policies of the official plan.

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

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

(b) AGENCY REVIEW

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

Town 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 pay any outstanding property taxes on the subject property.

Conservation Authority – Mississippi Valley Conservation

A cursory view of the above noted application revealed no issues with regard to Mississippi Valley Conservation's plan input and review program. We have therefore screened this application out of our formal review process.

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

Severed Lands – Existing residential house serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 feet deep. Satisfactory.

Retained Lands – Relatively flat mixture of treed and scrub land with no soil drainage problem. Sandy loam soil approximately 2 feet deep. Additional granular fill will be required in proposed tile bed area.

Hydro One Networks – Cleared with no issues.

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

(c) PLANNING REVIEW

The applicant proposes to sever a lot comprising approximately 2.48-ha of vacant lands as a lot addition to an existing residential lot and retain approximately 3.35-ha as a residential building lot.

The proposed severed parcel and the retained lands front on Highway No. 7 and have existing separate entrances onto the Highway. The subject lands are located in an area characterized as 'rural' to the north, south and west, consisting of large landholdings, generally for the purpose of hobby farming. Residential development on moderate sized lots are located to the east of the lot along Ramsey Con 4A.

The Mississippi Lake Provincially Significant Wetland is located to the south of Highway No. 7.

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

- The lot is effectively bisected from the PSW by the location of Highway No. 7.
- The lot lines of the proposed severed parcel do not extend into the PSW.

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

(d) PUBLIC INPUT

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

(e) MINUTES OF HEARING – October 27, 2008

Ralph Shaw, agent for the applicant, was present at the public meeting held on Monday October 27, 2008 and gave evidence under oath.

Mr. Shaw confirmed that the MTO had been contacted to review the entrances and noted that the entrances were rebuilt at the time when Highway #7 was changed from 2 to 3-lanes.

(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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Town.
3. The applicant shall provide the Town with a registered copy of all reference plans.
4. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
5. A letter shall be received from the Town stating that conditions #2 to #3 have been fulfilled to their satisfaction.
6. A letter shall be received from the Mississippi Valley Conservation stating that condition #4 has been fulfilled to their satisfaction.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Tiffany Nixon (Pt Lot 3, Concession 3, geographic Township of Ramsey, now in the Town of Mississippi Mills being Part 1 on RP 26R3252), 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.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Bernard Patrick MacDonald

Hearing Date: October 27, 2008

Agent: n/a

LDC File #: B08/110

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay **Lot:** 9 **Concession:** 6

Roll No. 0931 929 01004300

Consent Type: New Lot

Purpose and Effect:

To Sever a 1.0-ha residential building lot and retain a 39-ha landholding with an existing residential dwelling and vacant farm buildings. The lands are accessed by Ramsay Con 7A. This application has been submitted concurrently with B08/111.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Rural Farm (Hay)	Rural Hay & Bush
Proposed Use	Single Detached Residence	Rural Hay & Bush
Area	1 ha	39 ha
Frontage	109 m	501 m
Depth	91.5 m	610 m
Road - Access to	Ramsay Con 7A	Ramsay Con 7A
Water Supply	Private Individual Well	Private Individual Well
Sewage Disposal	Private Septic Tank	Private Septic Tank
Official Plan Designation	Rural – Agriculture	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	24.7-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	150 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	N/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
Section 2.3.4 Lot Creation

Official Plan – Section 2 5 Growth and Settlement, Section 3.3 Rural Policies, Section 4.6 Transportation.

The Town of Mississippi Mills advises that the proposal conforms with the designations and policies of the Official Plan,

Zoning By-law – Section 6 General Policies, Section 9 Rural Zone

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

(b) AGENCY REVIEW

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

Town 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 pay any outstanding property taxes on the subject property;
3. That the applicant must acquire an entrance permit from Ramsey Con 7A.

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the application is to sever (2) vacant 1.0-ha residential building lots and to retain 39 ha with an existing residential dwelling and farm buildings.

A review of available mapping shows a tributary of Wolf Grove Creek running through proposed retained lands. A site visit conducted by MVC staff on October 22, 2008 confirmed the presence of this watercourse. The proposed severed lots are characterized as open fields.

No natural heritage or natural hazard features were identified on the proposed severed lots. All of the resulting lots (severed and retained) meet with the current minimum area and frontage requirements set out in the Town of Mississippi Mills' Zoning By-law. We assume that, as stipulated in the Zoning By-law, the minimum waterbody setback requirement as well as the requirement to retain the shoreline vegetation will be adhered to during any potential future development on the proposed retained lot. With all of this in consideration, MVC does not have any objection to the proposed severances.

The property owner should be advised that in the event that shoreline work is proposed, written permission is 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 creek should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed Lands – Relatively flat hay field sloping from east to west. No soil drainage problems. Sandy loam soil approximately 2-3 feet deep. Additional granular fill will be required in proposed tile bed area.

Retained Lands – Existing farming operation served by a Class 4 septic system and private well. Sandy loam soil approximately 3 feet deep. Additional granular fill will be required in replacement tile bed area.

Hydro One Networks – Cleared with no issues.

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

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential building lot comprising approximately 1.0-ha with an existing and retain approximately 39.0-ha landholding with an existing Farm House and outbuildings.

The proposed severed parcel and the retained lands front on Ramsey Con 7A. The subject lands are located in an area characterized as 'rural-agricultural' (not prime) to the north, south, east and west. Pockets of residential development on smaller lots are located to the south along the Municipal Road.

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

(d) PUBLIC INPUT

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

(e) MINUTES OF HEARING – October 27, 2008

Bernard MacDonald, applicant advised that he would be unable to attend and provided his daughter Gena Morrow with a letter of authorization to speak on his behalf.

Ms. Morrow, now acting as agent for the applicant, gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Town.
3. That the applicant shall provide the Town with a copy of the registered plans associated with this application.
4. The applicant shall obtain a residential entrance permit from Ramsay Con 7A. The applicant to consult directly with the Director of Work Works for the Town of Mississippi Mills in this regard.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from the Town stating that conditions #2 to #4 have been fulfilled to their satisfaction.
7. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.

NOTES:

- *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in both the proposed tile bed area on the severed lot and the replacement tile bed area on the retained lot.*
- *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- *The MVC advises that any proposed works in or near the Wolf Grove Creek should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Bernard Patrick MacDonald

Hearing Date: October 27, 2008

Agent: n/a

LDC File #: B08/111

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay **Lot:** 9 **Concession:** 6

Roll No. 0931 929 01004300

Consent Type: New Lot

Purpose and Effect:

To Sever a 1.0-ha residential building lot and retain a 39-ha landholding with an existing residential dwelling and vacant farm buildings. The lands are accessed by Ramsay Con 7A. This application has been submitted concurrently with B08/110.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Rural Farm (Hay)	Rural Hay & Bush
Proposed Use	Single Detached Residence	Rural Hay & Bush
Area	1 ha	39 ha
Frontage	109 m	501 m
Depth	91.5 m	610 m
Road - Access to	Ramsay Con 7A	Ramsay Con 7A
Water Supply	Private Individual Well	Private Individual Well
Sewage Disposal	Private Septic Tank	Private Septic Tank
Official Plan Designation	Rural – Agriculture	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	24.7-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	150 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	N/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
Section 2.3.4 Lot Creation

Official Plan – Section 2 5 Growth and Settlement, Section 3.3 Rural Policies, Section 4.6 Transportation.

The Town of Mississippi Mills advises that the proposal conforms with the designations and policies of the Official Plan,

Zoning By-law – Section 6 General Policies, Section 9 Rural Zone

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

(b) AGENCY REVIEW

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

Town 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 pay any outstanding property taxes on the subject property;
3. That the applicant must acquire an entrance permit from Ramsey Con 7A.

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the application is to sever (2) vacant 1.0-ha residential building lots and to retain 39 ha with an existing residential dwelling and farm buildings.

A review of available mapping shows a tributary of Wolf Grove Creek running through proposed retained lands. A site visit conducted by MVC staff on October 22, 2008 confirmed the presence of this watercourse. The proposed severed lots are characterized as open fields.

No natural heritage or natural hazard features were identified on the proposed severed lots. All of the resulting lots (severed and retained) meet with the current minimum area and frontage requirements set out in the Town of Mississippi Mills' Zoning By-law. We assume that, as stipulated in the Zoning By-law, the minimum waterbody setback requirement as well as the requirement to retain the shoreline vegetation will be adhered to during any potential future development on the proposed retained lot. With all of this in consideration, MVC does not have any objection to the proposed severances.

The property owner should be advised that in the event that shoreline work is proposed, written permission is 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 creek should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat.

Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed Lands – Relatively flat hay field with no soil drainage problems. Sandy loam soil approximately 2 feet deep. Additional granular fill required in proposed tile bed area.

Retained Lands – Existing farming operation served by a Class 4 septic system and private well. Sandy loam soil approximately 3 feet deep. Additional granular fill required in replacement tile bed area.

Hydro One Networks – Cleared with no issues.

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

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential building lot comprising approximately 1.0-ha with an existing and retain approximately 39.0-ha landholding with an existing Farm House and outbuildings.

The proposed severed parcel and the retained lands front on Ramsey Con 7A. The subject lands are located in an area characterized as 'rural-agricultural' (not prime) to the north, south, east and west. Pockets of residential development on smaller lots are located to the south along the Municipal Road.

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

(d) PUBLIC INPUT

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

(e) MINUTES OF HEARING – October 27, 2008

Bernard MacDonald, applicant advised that he would be unable to attend and provided his daughter Gena Morrow with a letter of authorization to speak on his behalf.

Ms. Morrow, now acting as agent for the applicant, gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Town.
3. That the applicant shall provide the Town with a copy of the registered plans associated with this application.
4. The applicant shall obtain a residential entrance permit from Ramsay Con 7A. The applicant to consult directly with the Director of Work Works for the Town of Mississippi Mills in this regard.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from the Town stating that conditions #2 to #4 have been fulfilled to their satisfaction.
7. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction

NOTES:

- *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required on both the proposed tile bed area on the severed lot and the replacement tile bed area on the retained lot.*
- *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- *The MVC advises that any proposed works in or near the Wolf Grove Creek 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.*

- *Section 5.3.11.1.ix) of the Town of Mississippi Mills Community Official Plan states "In the Rural designation, the maximum number of lots created per landholding will be two plus the remnant lot. The Land Division Committee will not entertain any further severances.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Michael Webster & Lori Wintle **Hearing Date:** October 27, 2008
Agent: n/a
LDC File #: B08/112
Municipality: Drummond / North Elmsley
Geographic Township: Drummond **Lot:** Pt 8 **Concession:** 3
Roll No. 0919 919 010 27700 **Consent Type:** New lot

Purpose and Effect:

To sever a 0.53-ha residential building lot and retain a 6.35-ha landholding with an existing residential dwelling and outbuildings.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	0.53-ha	6.35-ha
Frontage	64 m	68.6 m
Depth	100.6 m	274 m
Road - Access to	Tennyson Road	Tennyson Road
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
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

- 1.2 Managing and directing land use to achieve efficient development and land use patterns.
- 1.1.3 Settlement Areas shall be the focus of growth and their vitality and regeneration shall be promoted.

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

Official Plan - Section 4.2 Hamlet, Section 3.7 Division of Land, Section 3.8 Environmental Impact Study. The Township of Drummond / North Elmsley advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law - Section 7 Rural

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

(b) AGENCY REVIEW

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

Township of Drummond / Elmsley – recommends approval of this application subject to the

following conditions:

- That the balance of any outstanding taxes shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with the application is a survey is required by the Registry Office.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

Conservation Authority – Rideau Valley Conservation Authority

Please find enclosed map of the subject property. We note that there are no wetlands or watercourses on the retained or severed lands. The adjacent lands of the Provincially Significant Perth Long Swamp do not extend on the subject lands. We have no objection to the severance.

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

Severed Lands – relatively flat pasture land sloping from north to south. No soil drainage problem. Sandy loam soil approximately 3 ft. deep. Addition granular fill required in proposed tile bed area.

Retained Lands – existing residential property serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. No soil drainage problem. Sandy loam soil 5 ft deep. Satisfactory.

Hydro One Networks – Application was cleared with no issues.

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

(c) PLANNING REVIEW

The applicant proposes to sever a lot comprising approximately 0.53-ha of land as a residential building lot. The lands are proposed to be accessed by the Tennyson Road a municipally owned and maintained Township Road.

The subject lands are located in an area characterized by residential development on a variety of lot sizes to the west and south; open rural lands are located to the north and east. The PSW Perth Long Swamp is located to the south of the lot; however the adjacent lands defined as 120 m from the PSW do not extend to the lot to be developed.

The lands to be retained are 6.35-ha in area, with an existing residential dwelling and outbuildings. These lands front on both Highway No. 7 and the Tennyson Road, however access is via the Tennyson Road.

The Drummond / North Elmsley Official Plan encourage residential development within areas designated as 'settlement areas'. The stretch of Highway No. 7 from the Perth boundary easterly, including these lands, is included within a designated settlement area.

There were no concerns or 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 OF HEARING – October 27, 2008

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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Township.
3. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Land Titles Office.
4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley for road widening purposes. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from the Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.
7. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.

NOTES:

The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in the proposed tile bed area.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Valerie Wyman & Byron Budd **Hearing Date:** October 27, 2008
Agent: n/a
LDC File #: B08/114
Municipality: Montague
Geographic Township: Montague **Lot:** 2, 3, 4 & 5 **Concession:** 10
Roll No. 0901 000 015 21000 & 0901 000 015 21004 **Consent Type:** New Lot

Purpose and Effect:

To sever a 1.6-ha residential building lot at Lot 5 Conc. 10 and retain the existing landholding. This application has been submitted concurrently with B08/115 and B08/116.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Farm Residential Farm Residential
Area Frontage Depth Road - Access to	1.6-ha 135.3 m 115.8 m Pinery Road	69.2-ha 1727.5 m 396 m Beckwith Boundary Rd
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 0.4 ha Yes 46 m Yes N/A	Rural 2-ha Yes 46 m Yes N/A

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
 Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

Official Plan - Section 4.5 Consents, Section 5.2 Rural Policies, Section 12.3 Local Roads.

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

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

(b) AGENCY REVIEW

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

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

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

NOTE: It is the opinion of Council that these severances comply with Township policies on the grounds that a parcel can be interpreted on a per lot basis.

Conservation Authority – Rideau Valley Conservation Authority

The applications request approval to sever three separate parcels with 99 acres remaining in the retained parcel. Ontario Base Mapping published by the Ontario Ministry of Natural Resources indicates that there are no wetlands or watercourses on the proposed severed lands. There is small seasonal watercourse flowing through the retained lands. Please note that the watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The RVCA recommends a 30 metre development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of lands.

We have no objection to the applications provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit Severed Lands – the severed portion is vacant and wooded. High water table and bedrock in the area. Land is relatively flat. There is adequate space on parcel to accommodate a single family dwelling and a raised septic system.

Retained Lands – Retained lands contain an existing dwelling and outbuildings surrounded by scrubland / pastureland. High water table / bedrock in the area. The existing raised septic system shows no signs of malfunction. There is adequate space on the parcel to replace the 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 a vacant residential building lot comprising approximately 1.6-ha vacant residential building lot at Lot 5 Conc. 10 and retain a 71.2 ha landholding with two existing dwellings and outbuilding. The retained lands are the subject of concurrent consent applications to separate the original surveyed town lots.

The proposed severed parcel fronts of Pinery Road and the retained lands front on Beckwith Boundary Road. The subject lands are located in an area characterized as mixture of large landholdings and smaller residential development along the Municipal Road.

In response to the comments received from the Pinery Road residents, a copy of the e-mail was forwarded to the Township of Montague to address to concerns raised regarding “Property Standards”. Legal title to the lands was confirmed by receipt of deeds to the lands prior to submission of the application, assessment mapping and land titles information show that the lands have merged on title, the Conservation Authority has confirmed that there are no wetlands or watercourses on the lands to be severed and Soil Capability Mapping shows the lands as either Class 6 - Soils that are capable only of producing perennial forage crops and improvement practices are not feasible of Class 0 – Organic Soils (not placed in capability class).

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

(d) PUBLIC INPUT

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

(Please note that the following e-mail was received anonymously from John Doe [pineryroad@hotmail.com] The LDC Secretary-Treasurer advised John Doe on October 3, 2008 that the LDC required the names of the “submitters” in order to advise them of the upcoming hearing. On October 3rd, 2008 the list of names was received.)

Dave and Kim Hickman, Jeff Rienberg, Lisa Staffen, Susan Howe, Armand and Annette Chaput, Allen and Ruth Flinn (October 2, 2008)

Area's of Concern:

1. Land to be severed B08/115, B08/114 already has an existing residence situated on the land. This property is occupied by Iona Budd, mother of the applicant. This property has a municipal address with the Township of Montague and as such has / or should have been severed.
2. Land B08/115, B08/114 may in fact fall into the designation of a FEN under the provisions of Ontario Wetlands and may in fact be environmentally sensitive.
3. Grading will be required as the property listed frequently floods during the spring season crossing Pinery Road.
4. Legal Title: It is believed that the property currently under consideration is held by Iona Budd, not the applicant. Receipt of such an application if not lawfully held by the applicants may constitute offences under the Criminal Code of Canada section(s) 361 False Pretence, 366 Forgery, 368 Utter Forged document, 374 Draw Document without Authority.
5. Potential nesting site of the Blanding Turtle (*Emydoidea Blandingi*) This turtle is currently protected under the Fish and Wildlife Conservation Act 1997.
6. Current land ownership and status. Agricultural Lands and Soils Classification. It is my understanding that the property being considered for severance is currently utilized as Farm land (see municipal tax roll). As such severance would require permission from the Municipality or the Ontario Municipal Board (OMB) under the provisions of the Planning Act.
7. Property Standards – It is a concern that current community standards will not be adhered to. Residents living on Pinery Rd currently enjoy a certain standard of living, properties are well manicured, and dwellings maintained and kept up. There is significant concern that if lands are severed in accordance with B08/114 that a dwelling will be placed on the property that falls significantly under the established standard set for this community. Currently a trailer requiring significant maintenance is situated on B08/115. This farm land as/had a number of abandoned vehicle and assorted debris scattered about the lands.
8. Property Assessment Notice 2008 – were just received in the community. A 15% increase in value was reflected on the assessment. There is a concern that with the increase in Property Taxes (10.42%) an actual loss in actual sales value would be obtained if a dwelling not meeting the current status was permitted to be built on the properties. While speculative in nature this concern is well represented by the current status of the Budd family members residing on Beckwith Boundary Rd and Pinery Rd. Lands to be retained at 643 Beckwith Boundary Rd (Byron Budd) has mobile home as the principal dwelling, the lands have a scattering of abandoned machinery. Lands owned by Ernest Budd on Pinery Rd were recently seized (Band or Municipality) in excess of one dozen vehicles were removed from the front yards of this lot and placed in the bush across the road from the property. Sister of the applicant (Mary Budd) currently resides at the Fisher residence on Pinery Rd. This residence has a number of abandoned vehicles and a working "Body repair shop". It is believed that the property associated to B08/114 will be given to the daughter of the applicant and as such, past behaviour is the best indicator of future behaviour.

9. Environmental Impact – Please consider the above noted comments in section 8. Gasoline, Oils, Batteries, Propane tanks are all recognized hazardous wastes which are currently being disposed of on the Budd properties. There is a serious concern that these toxins are / will find their way into the water table as all of the affected properties are on Well and Septic systems. We will not accept more of the same.
10. Discharge of Firearms. Requires no further comments.
Disclosure Request – Please be advised that as a community we have significant concerns about this property being developed. As we live in the community we would request that this document not be disclosed to the Budd / Wyman Family. In the event that a Public Meeting is set we would request notification in writing as received pertaining to this Application for Consent. Rest assured that the Pinery Rd homeowners would attend and voice our concerns. This letter has been prepared and presented as a community effort. Its content has been reviewed and consented to prior to being sent.

Susan Howe (October 13, 2008)

I have received your letter indicating the date and time of the Public Meeting. It is a concern of the Pinery Rd Community that it is being held at such an early hour that not all of us may be able to attend as we all work full time.

Please see attached photo's (previously sent to Land Division Committee Members) of the Budd family residences located on Pinery Rd. They depict the wet lands on the property, the trailer(s) on the lands (both on Pinery Rd and Beckwith Boundary). The photo's of residence with the dumpster is / was the home of the brother of the applicant for severance. This is the third dumpster of garbage taken out of the dwelling. At one point in time there was a total of eleven (11) vehicles in his front yard. These vehicles have been moved across the road into the bush. Photo's of the Budd's properties were taken from Pinery Rd, however they are not overly clear. They represent the living standards of the applicant and his family members. I hope that these photo's may express to you why the Community has many concerns with this severance applications; as it is understood that another Budd Family member would be moving into B08/114.

(e) MINUTES OF HEARING – October 27, 2008

Byron Budd, applicant, and Candace Budd, were present and gave evidence under oath. Jeff Rienberg, Susan Howe and Scott Fitzgerald were present and affirmed their evidence.

Mr. Budd requested to use a tape recorder to record the hearing. The chair agreed to its use.

Mr. Budd explained that over time, as additional lands were acquired Lots 2/3 merged with Lot 4 and then with Lot 5 and that the only real severance is the new lot to be created through B08/114.

Mr. Reinberg advised that he does not have any real objection, only concerns with how the property will be developed in the future.

Ms. Howe advised that her main concern was property standards and future water quality due to the number of derelict vehicles on the property.

Mr. Budd confirmed that the vehicles were not on his property and that no one from the Township has contacted him regarding property standards.

The Committee reiterated that 'property standards' are dealt with through the municipality and that their concerns should be addressed directly to the Township of Montague.

(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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That 5% cash in lieu of parkland be paid to the Township of each new lot created.
3. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. That a copy of the reference plan to be provided to the Township of Montague.
6. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
7. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

8. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.
9. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #7 has been fulfilled to their satisfaction.

NOTES:

- *The Rideau Valley Conservation Authority advises that the severed lands and portions of the retained lands are subject to Ontario Regulation 174/06: "Alteration to Waterways Regulation". Written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. Any future development on the retained lands be located a minimum 30 metres from the wetland boundary or watercourse. Development is defined as: The construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*
- *The LGL Health Unit advises that it may be necessary to install a raised / partly raised septic system.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Valerie Wyman & Byron Budd **Hearing Date:** October 27, 2008
Agent: n/a
LDC File #: B08/115
Municipality: Montague
Geographic Township: Montague **Lot:** 2, 3, 4 & 5 **Concession:** 10
Roll No. 0901 000 015 21000 & 0901 000 015 21004 **Consent Type:** New Lot

Purpose and Effect:

To sever a 8.9-ha residential building lot at Lot 5 Conc. 10 and retain the existing landholding. This application has been submitted concurrently with B08/114 and B08/116.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Farm Residential
Proposed Use	Residential	Farm Residential
Area	8.9-ha	60.3-ha
Frontage	286.2 m	1582.7 m
Depth	335.3 m	396 m
Road - Access to	Pinery Road	Beckwith Boundary Rd
Water Supply	Private Well	Private Well
Sewage Disposal	Septic System	Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	2.0-ha	2.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	46 m	46 m
-Compliance?	Yes	Yes
-Depth Required (min.)	N/A	N/A
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

Official Plan - Section 4.5 Consents, Section 5.2 Rural Policies, Section 12.3 Local Roads.

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

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

(b) AGENCY REVIEW

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

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

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

NOTE: It is the opinion of Council that these severances comply with Township policies on the grounds that a parcel can be interpreted on a per lot basis.

Conservation Authority – Rideau Valley Conservation Authority

The applications request approval to sever three separate parcels with 99 acres remaining in the retained parcel. Ontario Base Mapping published by the Ontario Ministry of Natural Resources indicates that there are no wetlands or watercourses on the proposed severed lands. There is small seasonal watercourse flowing through the retained lands. Please note that the watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The RVCA recommends a 30 metre development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of lands.

We have no objection to the applications provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit Severed Lands – the severed portion is vacant and wooded. High water table and bedrock in the area. Land is relatively flat. There is adequate space on parcel to accommodate a single family dwelling and a raised septic system.

Retained Lands – Retained lands contain an existing dwelling and outbuildings surrounded by scrubland / pastureland. High water table / bedrock in the area. The existing raised septic system shows no signs of malfunction. There is adequate space on the parcel to replace the 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 a residential landholding comprising approximately 8.9-ha landholding with an existing dwelling and outbuildings at Lot 4 Conc. 10 and retain a 60.3 ha landholding with an existing dwelling and outbuilding. The retained lands are the subject of concurrent consent applications to separate the original surveyed town lots.

The proposed severed parcel fronts of Pinery Road and the retained lands front on Beckwith Boundary Road. The subject lands are located in an area characterized as mixture of large landholdings and smaller residential development along the Municipal Road.

In response to the comments received from the Pinery Road residents, a copy of the e-mail was forwarded to the Township of Montague to address to concerns raised regarding “Property Standards”. Legal title to the lands was confirmed by receipt of deeds to the lands prior to submission of the application, assessment mapping and land titles information show that the lands have merged on title, the Conservation Authority has confirmed that there are no wetlands or watercourses on the lands to be severed and Soil Capability Mapping shows the lands as either Class 6 - Soils that are capable only of producing perennial forage crops and improvement practices are not feasible of Class 0 – Organic Soils (not placed in capability class).

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

(d) PUBLIC INPUT

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

(Please note that the following e-mail was received anonymously from John Doe [pineryroad@hotmail.com] The LDC Secretary-Treasurer advised John Doe on October 3, 2008 that the LDC required the names of the “submitters” in order to advise them of the upcoming hearing. On October 3rd, 2008 the list of names was received.)

Dave and Kim Hickman, Jeff Rienberg, Lisa Staffen, Susan Howe, Armand and Annette Chaput, Allen and Ruth Flinn (October 2, 2008)

Area's of Concern:

1. Land to be severed B08/115, B08/114 already has an existing residence situated on the land. This property is occupied by Iona Budd, mother of the applicant. This property has a municipal address with the Township of Montague and as such has / or should have been severed.
2. Land B08/115, B08/114 may in fact fall into the designation of a FEN under the provisions of Ontario Wetlands and may in fact be environmentally sensitive.
3. Grading will be required as the property listed frequently floods during the spring season crossing Pinery Road.
4. Legal Title: It is believed that the property currently under consideration is held by Iona Budd, not the applicant. Receipt of such an application if not lawfully held by the applicants may constitute offences under the Criminal Code of Canada section(s) 361 False Pretence, 366 Forgery, 368 Utter Forged document, 374 Draw Document without Authority.
5. Potential nesting site of the Blanding Turtle (*Emydoidea blandingi*) This turtle is currently protected under the Fish and Wildlife Conservation Act 1997.
6. Current land ownership and status. Agricultural Lands and Soils Classification. It is my understanding that the property being considered for severance is currently utilized as Farm land (see municipal tax roll). As such severance would require permission from the Municipality or the Ontario Municipal Board (OMB) under the provisions of the Planning Act.
7. Property Standards – It is a concern that current community standards will not be adhered to. Residents living on Pinery Rd currently enjoy a certain standard of living, properties are well manicured, and dwellings maintained and kept up. There is significant concern that if lands are severed in accordance with B08/114 that a dwelling will be placed on the property that falls significantly under the established standard set for this community. Currently a trailer requiring significant maintenance is situated on B08/115. This farm land as/had a number of abandoned vehicle and assorted debris scattered about the lands.
8. Property Assessment Notice 2008 – were just received in the community. A 15% increase in value was reflected on the assessment. There is a concern that with the increase in Property Taxes (10.42%) an actual loss in actual sales value would be obtained if a dwelling not meeting the current status was permitted to be built on the properties. While speculative in nature this concern is well represented by the current status of the Budd family members residing on Beckwith Boundary Rd and Pinery Rd. Lands to be retained at 643 Beckwith Boundary Rd (Byron Budd) has mobile home as the principal dwelling, the lands have a scattering of abandoned machinery. Lands owned by Ernest Budd on Pinery Rd were recently seized (Band or Municipality) in excess of one dozen vehicles were removed from the front years of this lot and placed in the bush across the road from the property. Sister of the applicant (Mary Budd) currently resides at the Fisher residence on Pinery Rd. This residence has a number of abandoned vehicles and a working "Body repair shop". It is believed that the property associated to B08/114 will be given to the daughter of the applicant and as such, past behaviour is the best indicator of future behaviour.

9. Environmental Impact – Please consider the above noted comments in section 8. Gasoline, Oils, Batteries, Propane tanks are all recognized hazardous wastes which are currently being disposed of on the Budd properties. There is a serious concern that these toxins are / will find their way into the water table as all of the affected properties are on Well and Septic systems. We will not accept more of the same.

10. Discharge of Firearms. Requires no further comments.

Disclosure Request – Please be advised that as a community we have significant concerns about this property being developed. As we live in the community we would request that this document not be disclosed to the Budd / Wyman Family. In the event that a Public Meeting is set we would request notification in writing as received pertaining to this Application for Consent. Rest assured that the Pinery Rd homeowners would attend and voice our concerns. This letter has been prepared and presented as a community effort. Its content has been reviewed and consented to prior to being sent.

Susan Howe (October 13, 2008)

I have received your letter indicating the date and time of the Public Meeting. It is a concern of the Pinery Rd Community that it is being held at such an early hour that not all of us may be able to attend as we all work full time.

Please see attached photo's (previously sent to Land Division Committee Members) of the Budd family residences located on Pinery Rd. They depict the wet lands on the property, the trailer(s) on the lands (both on Pinery Rd and Beckwith Boundary). The photo's of residence with the dumpster is / was the home of the brother of the applicant for severance. This is the third dumpster of garbage taken out of the dwelling. At one point in time there was a total of eleven (11) vehicles in his front yard. These vehicles have been moved across the road into the bush. Photo's of the Budd's properties were taken from Pinery Rd, however they are not overly clear. They represent the living standards of the applicant and his family members. I hope that these photo's may express to you why the Community has many concerns with this severance applications; as it is understood that another Budd Family member would be moving into B08/114.

(e) MINUTES OF HEARING – October 27, 2008

Byron Budd, applicant, and Candace Budd, were present and gave evidence under oath. Jeff Rienberg, Susan Howe and Scott Fitzgerald were present and affirmed their evidence.

Mr. Budd requested to use a tape recorder to record the hearing. The chair agreed to its use.

Mr. Budd explained that over time, as additional lands were acquired Lots 2/3 merged with Lot 4 and then with Lot 5 and that the only real severance is the new lot to be created through B08/114.

Mr. Reinberg advised that he does not have any real objection, only concerns with how the property will be developed in the future.

Ms. Howe advised that her main concern was property standards and future water quality due to the number of derelict vehicles on the property.

Mr. Budd confirmed that the vehicles were not on his property and that no one from the Township has contacted him regarding property standards.

The Committee reiterated that 'property standards' are dealt with through the municipality and that their concerns should be addressed directly to the Township of Montague.

(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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That 5% cash in lieu of parkland be paid to the Township of each new lot created.
3. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. That a copy of the reference plan to be provided to the Township of Montague.
6. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
7. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
8. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.

9. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #7 has been fulfilled to their satisfaction.

NOTES:

- *The Rideau Valley Conservation Authority advises that the severed lands and portions of the retained lands are subject to Ontario Regulation 174/06: "Alteration to Waterways Regulation". Written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. Any future development on the retained lands be located a minimum 30 metres from the wetland boundary or watercourse. Development is defined as: The construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*
- *The LGL Health Unit advises that it may be necessary to install a raised / partly raised septic system.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Valerie Wyman & Byron Budd **Hearing Date:** October 27, 2008
Agent: n/a
LDC File #: B08/116
Municipality: Montague
Geographic Township: Montague **Lot:** 2, 3, 4 & 5 **Concession:** 10
Roll No. 0901 000 015 21000 & 0901 000 015 21004 **Consent Type:** New Lot

Purpose and Effect:

To sever a 22.3-ha residential building lot at Lot 4 Conc. 10 and retain the existing landholding. This application has been submitted concurrently with B08/114 and B08/115.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Farm Residential
Proposed Use	Residential	Farm Residential
Area	22.3-ha	40.0-ha
Frontage	653.7 m	1013.5 m
Depth	335.3 m	396 m
Road - Access to	Pinery Road	Beckwith Boundary Rd
Water Supply	Proposed	Private Well
Sewage Disposal	Proposed	Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	2.0-ha	2.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	46 m	46 m
-Compliance?	Yes	Yes
-Depth Required (min.)	N/A	N/A
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

Official Plan - Section 4.5 Consents, Section 5.2 Rural Policies, Section 12.3 Local Roads.

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

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

(b) AGENCY REVIEW

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

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

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

NOTE: It is the opinion of Council that these severances comply with Township policies on the grounds that a parcel can be interpreted on a per lot basis.

Conservation Authority – Rideau Valley Conservation Authority

The applications request approval to sever three separate parcels with 99 acres remaining in the retained parcel. Ontario Base Mapping published by the Ontario Ministry of Natural Resources indicates that there are no wetlands or watercourses on the proposed severed lands. There is small seasonal watercourse flowing through the retained lands. Please note that the watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. The RVCA recommends a 30 metre development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of lands.

We have no objection to the applications provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit Severed Lands – the severed portion is vacant and wooded. High water table and bedrock in the area. Land is relatively flat. There is adequate space on parcel to accommodate a single family dwelling and a raised septic system.

Retained Lands – Retained lands contain an existing dwelling and outbuildings surrounded by scrubland / pastureland. High water table / bedrock in the area. The existing raised septic system shows no signs of malfunction. There is adequate space on the parcel to replace the 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 a residential landholding comprising approximately 22.3-ha vacant residential building lot at Lot 4 Conc. 10 and retain a 40.0 ha landholding with an existing dwelling and outbuilding. The retained lands are the subject of concurrent consent applications to separate the original surveyed town lots.

The proposed severed parcel fronts of Pinery Road and the retained lands front on Beckwith Boundary Road. The subject lands are located in an area characterized as mixture of large landholdings and smaller residential development along the Municipal Road.

In response to the comments received from the Pinery Road residents, a copy of the e-mail was forwarded to the Township of Montague to address to concerns raised regarding “Property Standards”. Legal title to the lands was confirmed by receipt of deeds to the lands prior to submission of the application, assessment mapping and land titles information show that the lands have merged on title, the Conservation Authority has confirmed that there are no wetlands or watercourses on the lands to be severed and Soil Capability Mapping shows the lands as either Class 6 - Soils that are capable only of producing perennial forage crops and improvement practices are not feasible of Class 0 – Organic Soils (not placed in capability class).

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

(d) PUBLIC INPUT

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

(Please note that the following e-mail was received anonymously from John Doe [pineryroad@hotmail.com] The LDC Secretary-Treasurer advised John Doe on October 3, 2008 that the LDC required the names of the “submitters” in order to advise them of the upcoming hearing. On October 3rd, 2008 the list of names was received.)

Dave and Kim Hickman, Jeff Rienberg, Lisa Staffen, Susan Howe, Armand and Annette Chaput, Allen and Ruth Flinn (October 2, 2008)

Area's of Concern:

1. Land to be severed B08/115, B08/114 already has an existing residence situated on the land. This property is occupied by Iona Budd, mother of the applicant. This property has a municipal address with the Township of Montague and as such has / or should have been severed.
2. Land B08/115, B08/114 may in fact fall into the designation of a FEN under the provisions of Ontario Wetlands and may in fact be environmentally sensitive.
3. Grading will be required as the property listed frequently floods during the spring season crossing Pinery Road.
4. Legal Title: It is believed that the property currently under consideration is held by Iona Budd, not the applicant. Receipt of such an application if not lawfully held by the applicants may constitute offences under the Criminal Code of Canada section(s) 361 False Pretence, 366 Forgery, 368 Utter Forged document, 374 Draw Document without Authority.
5. Potential nesting site of the Blanding Turtle (*Emydoidea blandingi*) This turtle is currently protected under the Fish and Wildlife Conservation Act 1997.
6. Current land ownership and status. Agricultural Lands and Soils Classification. It is my understanding that the property being considered for severance is currently utilized as Farm land (see municipal tax roll). As such severance would require permission from the Municipality or the Ontario Municipal Board (OMB) under the provisions of the Planning Act.
7. Property Standards – It is a concern that current community standards will not be adhered to. Residents living on Pinery Rd currently enjoy a certain standard of living, properties are well manicured, and dwellings maintained and kept up. There is significant concern that if lands are severed in accordance with B08/114 that a dwelling will be placed on the property that falls significantly under the established standard set for this community. Currently a trailer requiring significant maintenance is situated on B08/115. This farm land as/had a number of abandoned vehicle and assorted debris scattered about the lands.
8. Property Assessment Notice 2008 – were just received in the community. A 15% increase in value was reflected on the assessment. There is a concern that with the increase in Property Taxes (10.42%) an actual loss in actual sales value would be obtained if a dwelling not meeting the current status was permitted to be built on the properties. While speculative in nature this concern is well represented by the current status of the Budd family members residing on Beckwith Boundary Rd and Pinery Rd. Lands to be retained at 643 Beckwith Boundary Rd (Byron Budd) has mobile home as the principal dwelling, the lands have a scattering of abandoned machinery. Lands owned by Ernest Budd on Pinery Rd were recently seized (Band or Municipality) in excess of one dozen vehicles were removed from the front years of this lot and placed in the bush across the road from the property. Sister of the applicant (Mary Budd) currently resides at the Fisher residence on Pinery Rd. This residence has a number of abandoned vehicles and a working "Body repair shop". It is believed that the property associated to B08/114 will be given to the daughter of the applicant and as such, past behaviour is the best indicator of future behaviour.

9. Environmental Impact – Please consider the above noted comments in section 8. Gasoline, Oils, Batteries, Propane tanks are all recognized hazardous wastes which are currently being disposed of on the Budd properties. There is a serious concern that these toxins are / will find their way into the water table as all of the affected properties are on Well and Septic systems. We will not accept more of the same.

10. Discharge of Firearms. Requires no further comments.

Disclosure Request – Please be advised that as a community we have significant concerns about this property being developed. As we live in the community we would request that this document not be disclosed to the Budd / Wyman Family. In the event that a Public Meeting is set we would request notification in writing as received pertaining to this Application for Consent. Rest assured that the Pinery Rd homeowners would attend and voice our concerns. This letter has been prepared and presented as a community effort. Its content has been reviewed and consented to prior to being sent.

Susan Howe (October 13, 2008)

I have received your letter indicating the date and time of the Public Meeting. It is a concern of the Pinery Rd Community that it is being held at such an early hour that not all of us may be able to attend as we all work full time.

Please see attached photo's (previously sent to Land Division Committee Members) of the Budd family residences located on Pinery Rd. They depict the wet lands on the property, the trailer(s) on the lands (both on Pinery Rd and Beckwith Boundary). The photo's of residence with the dumpster is / was the home of the brother of the applicant for severance. This is the third dumpster of garbage taken out of the dwelling. At one point in time there was a total of eleven (11) vehicles in his front yard. These vehicles have been moved across the road into the bush. Photo's of the Budd's properties were taken from Pinery Rd, however they are not overly clear. They represent the living standards of the applicant and his family members. I hope that these photo's may express to you why the Community has many concerns with this severance applications; as it is understood that another Budd Family member would be moving into B08/114.

(e) MINUTES OF HEARING – October 27, 2008

Byron Budd, applicant, and Candace Budd, were present and gave evidence under oath. Jeff Rienberg, Susan Howe and Scott Fitzgerald were present and affirmed their evidence.

Mr. Budd requested to use a tape recorder to record the hearing. The chair agreed to its use.

Mr. Budd explained that over time, as additional lands were acquired Lots 2/3 merged with Lot 4 and then with Lot 5 and that the only real severance is the new lot to be created through B08/114.

Mr. Reinberg advised that he does not have any real objection, only concerns with how the property will be developed in the future.

Ms. Howe advised that her main concern was property standards and future water quality due to the number of derelict vehicles on the property.

Mr. Budd confirmed that the vehicles were not on his property and that no one from the Township has contacted him regarding property standards.

The Committee reiterated that 'property standards' are dealt with through the municipality and that their concerns should be addressed directly to the Township of Montague.

(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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That 5% cash in lieu of parkland be paid to the Township of each new lot created.
3. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
5. That a copy of the reference plan to be provided to the Township of Montague.
6. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
7. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
8. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.

9. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #7 has been fulfilled to their satisfaction.

NOTES:

- *The Rideau Valley Conservation Authority advises that the severed lands and portions of the retained lands are subject to Ontario Regulation 174/06: "Alteration to Waterways Regulation". Written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. Any future development on the retained lands be located a minimum 30 metres from the wetland boundary or watercourse. Development is defined as: The construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*
- *The LGL Health Unit advises that it may be necessary to install a raised / partly raised septic system.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Gordon England

Hearing Date: October 27, 2008

Agent: Jennifer England & Graham England

LDC File #: B08/117

Municipality: Tay Valley Township

Geographic Township: South Sherbrooke **Lot:** 17 **Concession:** 9

Roll No. 0911 914 010 37700

Consent Type: New Lot

Purpose and Effect:

To sever a 2.0-ha residential building lot and retain 17.2-ha vacant landholding. One previous severance was created from the original parcel (1997). The lot is to be accessed from Fagan Lake Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Vacant
Area	2 ha	17.2 ha
Frontage	151.51 m	496.97 m
Depth	139.84 m	193.49 m
Road - Access to	Fagan Lake Road	Fagan Lake Road
Water Supply	Proposed Well	None
Sewage Disposal	Proposed Septic Tank	None
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes
-Depth Required (min.)	N/A	N/A
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Section 2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

Official Plan – Section 2 General Policies, Section 3.6 Rural, Section 4.4 Township Roads, Section 5.2 Consent Policies.

Tay Valley Township advises that the proposal conforms with the designation and policies of the Official Plan.

Zoning By-law – Section 3.18 Residential Separation Distances, Section 10.1 Rural
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:

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for the review process.
3. Copy of deed / transfer.
4. Two copies of the reference plan.
5. Parkland contribution of \$100.

Notes:

1. *Minimum Distance Separation Formulae 1 (MDS 1) calculations indicate that the severed parcel should be located at least 241 m from the closest barn. The proposed lot can accommodate an adequate separation distance in accordance with MDS requirements.*
2. *Upon issuance of a building permit, the proposed location of the dwelling will need to conform to MDS 1 calculations in respect to the barn north-west of the site.*

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the applicant proposes to sever a vacant residential building lot of 2.0 ha in size and to retain a 17.2-ha vacant parcel of land.

According to a review of available GIS mapping, the retained land consists of a wetland in the northwest corner. As noted during a site visit conducted by MVC staff on October 24, 2008, the proposed severed lot consists of a ridge of land which runs parallel to Fagan Rd and which descends to a lowland area at its base. No other natural heritage features or natural hazards were identified on the subject property.

Provided that future development is directed outside of lowland/wetland areas located on the subject property, MVC does not have any objection to the subject application.

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) – Mississippi Rideau Septic Office.

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

The severed portion of the subject property has an area of approximately 2 hectares. The retained portion is proposed to have an area of 17.2 hectares. There is sufficient space on both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

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

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

Hydro One Networks – Cleared with no issues.

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

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential building lot comprising approximately 2.0-ha and retain approximately 17.2-ha vacant landholding. The proposed severed and retained parcels front on Fagan Lake Road.

The subject lands are located in an area characterized as rural residential, with a mixture of lot sizes and a mixture of residential, farm and hobby farm type development. The lands to the north and east have farm outbuilding, however no disclosure of the type was provided on the application. GIS information displays a cluster of building to the north approximately 230m and to the east approximately 240 m. Any new development will require a Minimum Distance Calculation (MDS) prior to issuance of a building permit.

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

(d) PUBLIC INPUT

No written submissions were received in response to the notice of application sent to

every landowner pursuant to Clause 53(5)(a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended.

(e) MINUTES OF HEARING – October 27, 2008

Gordon England, applicant, Graham and Jennifer England were present and gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The Township shall be reimbursed for all costs incurred by the Township for reviewing this application.
4. Two copies of the registered reference plan shall be provided to the Township.
5. The purchaser's solicitor shall undertake to provide the Township with a copy of the registered transfer.
6. Payment shall be made to Tay Valley Township an amount of \$100.00 pursuant to Section 51.1 of the Planning Act.
7. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
8. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.
9. A letter shall be received from the Mississippi Valley Conservation stating that condition #7 has been fulfilled to their satisfaction.

NOTES:

- *Upon issuance of a building permit, the proposed location of the dwelling shall conform to the MDS 1 calculations in respect to the barn noted north-west of the site.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Marion Ward

Hearing Date: October 27, 2008

Agent: Stephanie Mitchell

LDC File #: B08/118

Municipality: Tay Valley Township

Geographic Township: South Sherbrooke

Lot: 21 **Concession:** 2

Roll No. 0911 914 020 36500

Consent Type: New Lot

Purpose and Effect:

To sever a 1.26-ha residential building lot and retain an 8.05-ha residential building lot. One previous severance was created from the original parcel (1987). The lots are to be accessed from Althorpe Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Vacant
Area	1.26 ha	17.2 ha
Frontage	61 m	496.97 m
Depth	650 m	193.49 m
Road - Access to	Althorpe Road	Althorpe Road
Water Supply	Private Well	None
Sewage Disposal	Proposed Septic Tank	None
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes
-Depth Required (min.)	N/A	N/A
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

Strong Communities Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

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

Section 2.1.5 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas.

Section 2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water.

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 document

Natural Hazards Section 3.1.1 Development shall generally be direct to areas outside of 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 Policies, Section 3.6 Rural, Section 4.3 County Roads, Section 5.2 Consent Policies.

Tay Valley Township advises that the proposal conforms with the designation and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, Section 10.1 Rural

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:

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for the review process.
3. Copy of the deed/transfer
4. Two copies of the reference plan
5. Parkland Contribution of \$200.00

Advisory notes:

- *The location of the proposed dwelling will need to conform to the 30m water setback as set out in section 3.26 of the zoning by-law.*
- *Development will be subject to Site Plan Control.*

Conservation Authority – Rideau Valley Conservation Authority

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

The application will create a new lot of 1.26 hectares and retain an 8.05 hectare parcel. The proposed lot has 61 metres of water frontage while the retained has 219 metres of frontage.

The near shore area of the proposed lot is undisturbed with a steep embankment along the shoreline. The subject lands are vacant. Our mapping indicates that the shoreline is classified as smallmouth bass spawning (DFO/MNR/RVCA). No proposed building site was submitted with the application.

In reviewing development applications the RVCA focus is protection of the aquatic environment. Provision for suitable development setbacks from water is a key element of this review. In establishing water setbacks for development, the RVCA considers primarily the slope of the land adjacent to the water, soil type and vegetation cover and type on the property. Our standards are based upon a watershed scale study referred to as the Rideau Lakes Study (formally entitled "Rideau Lakes Basin Carrying Capacities and Proposed Shoreland

Development Policies"). It is also our intent to provide advice consistent with the Natural Hazards, Natural Heritage and Water provisions of the Provincial Policy Statement (PPS March 2005). It is with these standards in mind that the Conservation Authority believes long term recreational water quality can be protected, improved or restored. This assumes, however, maintenance of natural stable shorelands and protected natural buffers. The minimum standard for an undisturbed buffer- width from water is 30 metres; this setback presumes a gentle slope to water, deep continuous soil cover- and dense, woody undisturbed native vegetation cover.

The proposed lot slopes steeply (1:1) down to the water from approximately 15 metres above the water. The lot is dominated by mature cedar trees. Proceeding back from the lake the lot levels out on a plateau dominated by hardwood vegetation. The slope and embankment are consistent along the entire proposed lot and the retained lands. The recommendation of the RVCA, based on observed site conditions, is that a minimum development setback of 40 metres be respected to protect the aquatic environment of Christie Lake. The 40 metre setback is based on a slope inclination over 25% as determined in the scoring criteria from the Rideau Lakes Study.

The property will be subject to Site Plan approval by the Township prior to any development. The following recommendations should be included in the Township Site Plan Agreement and binding on any future land owners. Any development including a 40 metre setback should also apply to the retained lands and include: -

- No disturbance to the soil and vegetation within 30 metres of the water (excepting limited access to the water). Limited pruning of the existing mature vegetation would allow for views to the water.
- All of the existing natural vegetation cover- along the shoreline is to be maintained so as to preserve the natural buffer and ecological linkage functions in the near shore area.
- Erosion and sediment controls are to be established on the downslope side of the construction site PRIOR to the commencement of any development activity
- All excavated materials must be disposed of off the lots or well away from any water.
- Roof runoff will be re-directed via eavestroughing with outlets to the rear (away from the waterbody) of any structure.
- Minimum 40 metre setback for any future development.

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

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

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

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

The severed portion of the subject property has an area of approximately 1.26 hectares. The retained portion is proposed to have an area of 8.05 hectares. There is sufficient space on both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

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

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

Hydro One Networks – Cleared with no issues.

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

County Roads Department – Applicant has an approved entrance inquiry location to the County Road. (Application 2068) Entrance to be installed prior to deed endorsement. The severed lands to gain access via County Road 6 (Althorpe Rd) but a full application must be made to the County. The retained lands to gain access via Christie Lake Lane 21. Road widening not required.

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential building lot comprising approximately 1.26-ha and retain approximately 8.0458-ha vacant landholding. The proposed severed parcel and the retained lands front on Althorpe Road (County Road #6).

The subject lands are located in an area characterized as 'rural residential and seasonal residential' to the east and west and large vacant landholdings to the south. The lands abut Christie Lake therefore are subject to possible "Archaeological Potential".

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

applicant's proposal maintains the general intent and purpose of the PPS and Official Plan for Tay Valley Township and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES OF HEARING – October 27, 2008

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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The Township shall be reimbursed for all costs incurred by the Township for reviewing this application.
4. Two copies of the registered reference plan shall be provided to the Township.
5. The purchaser's solicitor shall undertake to provide the Township with a copy of the registered transfer.
6. Payment shall be made to Tay Valley Township an amount of \$200.00 pursuant to Section 51.1 of the Planning Act.
7. That the applicant enter into a Development Agreement and/or Site Plan Agreement the Township, the terms of which are to be acceptable to the Township and Conservation Authority to implement appropriate mitigative measures for future development as outlined in the RVCA report dated September 5, 2008.

8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
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. A letter shall be received from the Township stating that conditions #2 to #7 have been fulfilled to their satisfaction.
11. A letter shall be received from the Rideau Valley Conservation Authority stating that conditions #7 and #8 have been fulfilled to their satisfaction.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 has been fulfilled to their satisfaction.

NOTES:

- *Tay Valley Township advises that the location of the proposed dwelling will need to conform to the 30m water setback requirements as set out in Section 3.26 of the Township's Zoning By-law.*
- *Tay Valley Township advises that any development of the site will be subject to "Site Plan Control".*
- *The Rideau Valley Conservation Authority advises that the shoreline of Christie Lake is subject to Ontario Regulation 174/06 "Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation" made pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.*
- *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
THAT in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Regan lee

Hearing Date: October 27, 2008

Agent: n/a

LDC File #: B08/119

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 5

Concession: 6

Roll No. 0911 911 010 00100

Consent Type: New Lot

Purpose and Effect:

To sever a 2.02-ha residential building lot and retain a 44.11-ha landholding with an existing residential dwelling. North Part Lot 5/6 was previously severed from the South Part Lot 5/6 in 1991. One lot was created from the previous landholding (1990). The lot is to be accessed by Blair Poole Farm Road (a private right-of-way). The lot to be created will also include a right-of-way over the Private Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	2.02 ha	44.11 ha
Frontage	152.4 m	790 m
Depth	137.16 m	790 m
Road - Access to	R-O-W Blaire Poole Road	R-O-W Blaire Poole Road
Water Supply	Proposed Well	Private Well
Sewage Disposal	Proposed Septic	Private Septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes
-Depth Required (min.)	N/A	N/A
-Compliance?		

(a) APPLICATION REVIEW

Strong Communities Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

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

Section 2.1.5 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas.

Section 2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water.

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 document

Natural Hazards Section 3.1.1 Development shall generally be direct to areas outside of 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 Policies, Section 3.6 Rural, Section 4.5 Private Road, Section 5.2 Consent Policies, Section 2.21.3 Wildlife Habitat and Adjacent Lands. Tay Valley Township advises that the proposal conforms with the designation and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, Section 10.1 Rural.

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:

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

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for the review process.
3. Copy of the deed/transfer
4. Two copies of the reference plan
5. Parkland Contribution of \$200.00

Advisory notes:

- *Since this is a vacant waterfront lot with access by private road, a Zoning By-Law Amendment to Limited Services Residential (RLS) will be required prior to any further development on the property.*
- *Property is subject to Site Plan Control.*
- *The location of the proposed dwelling will need to conform to a minimum of 30m water setback as set out in section 3.26 of the Zoning By-Law*

Conservation Authority –

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

The proposal involves the creation of a new parcel of 2.02 hectares with 44.11 hectares remaining in the retained parcel where a single family dwelling is situated. The severed lot has 137 metres of water frontage and the retained parcel has 790 metres. Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a

lacustrine wetland on the severed portion (verified on site) and a large portion of the shoreline has predominant wetland features. The proposed ROW runs through the south portion of the retained lands, we understand that it will not bisect the wetland.

The waterfront portion of the retained lands abuts a back bay of Otty Lake. This bay is ecologically sensitive and biologically important due to the fish habitat values. We note that there are no Provincially Significant Wetlands on Otty Lake. The wetland on the subject property provides key wetland functions (habitat, storage, water filtration) on the Lake. It is therefore important to protect these wetlands. The wetland extends inland from the lake. In that regard we would be concerned about impacts to this sensitive area with regard to any future development. The western portion of the proposed lot has significant slope and is not classified as wetland. Our mapping indicates that there is approximately 80 metres of waterfront not classified as wetland.

In establishing development water setbacks for development, staff considers the slope, soil type and vegetation cover and type on the property. Our standards are based upon a methodology developed in conjunction with the Rideau Lakes Study. The minimum standard with an undisturbed buffer on a relatively flat site requires a setback from water of 30 metres.

The proposed lot slopes down to the water along the western portion of the lot. The applicant has provided a sketch of the proposed building envelop and a cross section of the elevations. The lot is dominated by mature coniferous trees. The recommendation of the RVCA, based on the submission from the applicant is that a minimum development setback of 30 metres be respected to protect the aquatic environment. We also recommend that any site disturbance or development be setback 30 metres from the wetland on the eastern portion of the proposed lot. The building envelop should be confined to 50 metres of the western lot line. We note the property will be subject to site plan and if an alternative building site is desired a greater setback of 30 metres may be recommended based on site conditions. A 40 metre setback is recommended on any site with over a 25% slope.

We have no objection to the severance provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law and that the following conditions are included in the site plan agreement binding on any future landowners.

- No disturbance to the soil and vegetation within 30 metres of the water (excepting limited access to the water). Limited pruning of the existing mature vegetation would allow for views to the water.
- All of the existing natural vegetation cover along the shoreline is to be maintained so as to preserve the natural buffer and ecological linkage functions in the near shore area.
- Erosion and sediment controls are to be established on the downslope side of the construction site PRIOR to the commencement of any development activity and maintained until ground cover is established.
- All excavated materials must be disposed of off the lot or well away from any water.
- Roof runoff will be re-directed via eavestroughing with outlets to the rear (away from the waterbody) of any structure.

- The building envelop should be confined to 50 metres of the western lot line.
- Please note that the shoreline of Otty Lake is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities M Any shoreline work will require a permit from the RVCA.

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

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

The severed portion of the subject property has an area of approximately 2.02 hectares. The retained portion is proposed to have an area of 44.11 hectares. There is sufficient space on both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

The proposed severed portion has a varied topography with the presence of exposed rock in places. Significant amounts of imported fill material may be required to properly construct a septic system for the property.

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

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

Hydro One Networks – No comments were received.

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

Otty Lake Association – No comments were received.

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential building lot comprising approximately 2.02-ha and retain approximately 44.11-ha vacant landholding. Both the proposed severed parcel and the retained lands have access via Blair Poole Farm Road (a private road).

The subject lands are located in an area characterized as ‘rural residential and seasonal residential’ to the east and large landholdings to the south and west. The lands abut Otty Lake therefore are subject to possible “Archaeological Potential”.

A large Deer Wintering Yard is located on the retained lands. Accordingly, prior to permitting any development or site alteration such as filling, grading and excavating within the winter deer habitat or adjacent lands within 50 metres of the habitat will require an environmental impact assessment demonstrating that no negative impacts will result. Using GIS to scale the distance from the perimeter of the winter deer yard habitat indicates that the proposed severed lot is in excess of 100 m of the from the adjacent land influence area.

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

(d) PUBLIC INPUT

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

(e) MINUTES OF HEARING – October 27, 2008

Regan Lee, applicant, was present and gave evidence under oath. Mr. Lee advised that he had reviewed the staff report and was in agreement with the conditions as proposed.

(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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The Township shall be reimbursed for all costs incurred by the Township for reviewing this application.

4. Two copies of the registered reference plan shall be provided to the Township.
5. The purchaser's solicitor shall undertake to provide the Township with a copy of the registered transfer.
6. Payment shall be made to Tay Valley Township an amount of \$200.00 pursuant to Section 51.1 of the Planning Act.
7. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township, the terms of which are to be acceptable to the Township and Conservation Authority to implement appropriate mitigative measures for future development as outlined in the RVCA dated September 16, 2008.
8. The applicant shall submit an application to Tay Valley Township to rezone the lands to the appropriate Zoning Designation to acknowledge that the severed lot will be accessed by a 'private road'.
9. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
10. A letter shall be received from the Township stating that conditions #2 to #8 have been fulfilled to their satisfaction.
11. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #8 and #9 have been fulfilled to their satisfaction.

NOTES:

- *Tay Valley Township advises that the location of the proposed dwelling will need to conform to the 30m water setback requirements as set out in Section 3.26 of the Township's Zoning By-law.*
- *Tay Valley Township advises that any development of the site will be subject to "Site Plan Control".*
- *The Rideau Valley Conservation Authority advises that the shoreline of Otty Lake is subject to Ontario Regulation 174/06 "Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation" made pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.*
- *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.*

- *Any future development on the retained lands to be located a minimum 50 metres from the winter deer yard habitat. Development within 50 metres of the winter deer yard habitat will require an environmental impact assessment demonstrating that no negative impacts will result. Development is defined as: The construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Dorothy Elizabeth Erwin **Hearing Date:** October 27, 2008
Agent: n/a
LDC File #: B08/120
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 9 **Concession:** 11
Roll No. 0911 916 030 34000 **Consent Type:** New Lot

Purpose and Effect: to sever a 10.8-ha parcel of land with an existing residence and outbuildings (#1583 Bennett Lake Road) and to retain a 23.5-ha landholding with an existing seasonal residential dwelling. The outbuildings are no longer being used for farming purposes. The lands are accessed by Bennett Lake Road (County Road #19)

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residence	Residence
Proposed Use	Residence	Residence
Area	10.8 ha	23.5 ha
Frontage	660 m	132 m
Depth	320 m / 100 m	235 m
Road - Access to	County Rd 19 (Bennett Lake)	County Rd 19 (Bennett Lake)
Water Supply	Private Well	None
Sewage Disposal	Private Septic Tank	Privy
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
-Depth Required (min.)	N/A	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

Strong Communities Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

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

Section 2.1.5 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas.

Section 2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water.

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 document

Natural Hazards Section 3.1.1 Development shall generally be direct to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan - Section 3.6 Rural, Section 2.19.2 Organic Soils and 5.2 Land Division Tay Valley Township advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – Section 10.1 Rural

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:

Tay Valley Township – Planner's Report October 22, 2008 – recommended conditions:

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for the review process.
3. Copy of the deed / transfer.
4. Two copies of the reference plan.
5. 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.

According to the information provided, the purpose of the proposed severance is to sever a 10.8-ha parcel of land with an existing residence and outbuildings and to retain 23.5 ha with an existing seasonal residential dwelling.

The proposed retained land has frontage on Bennett Lake which is a warm water fishery providing habitat for pike, walleye, bass and a variety of forage fish species. The terrain is characterized with a rolling topography. There is no regulated flood plain on the subject property.

A site visit as well as a review of available literature and mapping revealed no other issues with respect to natural hazard and natural heritage features. Both of the resulting lots (severed and retained) meet with the current minimum frontage and area requirements set out in Tay Valley Township's Zoning By-law. In addition, both lots are already developed and no new development is proposed at this time.

With the above in consideration, MVC has no objection to the proposed severance.

There is no regulated flood plain area located on the property. However, the property owner should be advised that in the event that shoreline work is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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 Bennett 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.

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) – Mississippi Rideau Septic Office.

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

The existing property is located at 1583 Bennett Lake Road. The applicant is proposing to sever a 10.8 hectare lot and retain a 23.5 hectare portion. There is sufficient space on both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

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

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

Hydro One Networks – No comments were received.

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

County Roads Department – Entrance location approved. Application # 2192.

(c) PLANNING REVIEW

The applicant proposes to sever a lot comprising approximately 10.8-ha with an existing residential dwelling, storage building and garage and retain approximately 23.5-ha landholding with an existing cabin. The proposed severed parcel and the retained lands front on Bennett Lake Road (County Road #19).

The subject lands are located in an area characterized as rural residential on large landholdings to the east and north. The lands to the west are classified as “Organic Soils” and

no buildings appear on the GIS base info. The lands abut Bennett Lake therefore are subject to possible “Archaeological Potential”.

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

(d) PUBLIC INPUT

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:

Edward and Marie Pchola (October 9, 2008)

Please send us notification of the decision of the Land Division Committee in regards to the proposed severance of the Dorothy Erwin property, as we are next door to her property.

(e) MINUTES OF HEARING – October 27, 2008

Dorothy Erwin, applicant, was present and gave evidence under oath.

M Kirkham, Secretary, advised that Tay Valley Township Council will be reviewing the Planner’s Report at their October 28, 2008 meeting. Therefore the conditions should include a

clause to indicate that the provisional consent is dependent on favourable review by Council.

(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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The Township shall be reimbursed for all costs incurred by the Township for reviewing this application.
4. Two copies of the registered reference plan shall be provided to the Township.
5. The purchaser's solicitor shall undertake to provide the Township with a copy of the registered transfer.
6. Payment shall be made to Tay Valley Township an amount of \$100.00 pursuant to Section 51.1 of the Planning Act.
7. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
8. 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.
9. That the Land Division Committee Secretary receive a resolution from Tay Valley Township advising that they have no objection to the consent, subject to the conditions as outlined in the Planner's Report of October 22, 2008.
10. A letter shall be received from the Township stating that conditions #2 to #6 have been fulfilled to their satisfaction.
11. A letter shall be received from the Mississippi Valley Conservation stating that condition #7 has been fulfilled to their satisfaction.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 has been fulfilled to their satisfaction.

NOTES:

- *The location of a proposed dwelling on the retained lands will need to conform to the 30m water setback requirements as set out in Section 3.26 of the Township's Zoning By-law.*

- *The applicant should note that any development of the retained lands will be subject to "Site Plan Control".*
- *The Mississippi Valley Conservation advises that, in the event that shoreline work is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- *The Mississippi Valley Conservation advises that, 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 Bennett 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.*
- *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. THAT in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Juris and Ligita Mieзитis

Hearing Date: October 27, 2008

Agent: n/a

LDC File #: B08/121

Municipality: Montague

Geographic Township: Montague

Lot: 8 **Concession:** 1

Roll No. 0901 000 010 23201

Consent Type: New Lot

Purpose and Effect:

To sever a 3.6-ha residential building lot and retain a 6.9-ha residential building lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	3.6-ha 410.9 m 158.5 m Burchill Rd & Richardson Rd	6.9-ha 168 m 280.4 m Burchill Rd
Water Supply Sewage Disposal	Proposed proposed	Proposed proposed
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 0.4-ha Yes 46m Yes N/A	Rural 0.4-ha Yes 46m Yes N/A

(a) APPLICATION REVIEW

Provincial Policy Statement – Provincial Interests were identified as follows:

Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Section 2.1.4 Development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Section 2.1.5 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

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

Official Plan – Section 4.5 Consents, section 5.2 Rural Policies

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

- That 5% cash-in-lieu of parkland be paid to the Township of Montague for each new lot created.
- That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That a copy of the reference plan to be provided to the Township of Montague.
- That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 meters (33 feet) from the centreline of the road allowance or 10 meters (33 feet) from the centreline of the travelled portion of the road (whichever is applicable) The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

Conservation Authority – Rideau Valley Conservation Authority

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

The proposal involves the creation of a new parcel of 3.6 hectares with 6.9 hectares remaining in the retained portion. The subject lands consist of some cleared land with mixed forest. A parcel was severed to the south of the retained lands in 2005. A watercourse (Rideau Creek) bisects the proposed severed lot and the retained portion, a wetland also divides the two properties. Two tributaries flowing from the north and south also connect to Rideau Creek on the subject lands. No proposed building envelop was submitted with the application. The RVCA floodplain mapping does not extend to this property (ends approx. 1 kilometre downstream). As noted in the previous severance there could be significant risk in building adjacent to the existing watercourse: this area is low lying and may be subject to flooding during the spring freshet.

Rideau Creek and tributaries are subject to the Authorities "Alteration to Waterways Regulation" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.

The conservation Authority is prepared to accept an approval of the proposal by the Committee with the following conditions:

- *No development within 30 metres of the watercourse (and tributaries) or below the 100 metre contour as submitted with the application (whichever is greater) on the severed and retained parcel. (see note below)*
- *No disturbance or removal of vegetation within 30 metres of Rideau Creek or the wetland boundary.*
- *NOTE: In the absence of an engineering report the applicant should note that there may be a flood risk on the retained parcel and that any development should be located on the area above the 100 metre contour line as illustrated on the submitted map included with the application. The Township should circulate any building permit application to the RVCA prior to approval.*

The Rideau Valley Conservation Authority assumes no responsibility or liability for any flood, erosion, or slope failure damage which may occur either to this property or the structures on it or if any activity undertaken by any landowner adversely affects the property or interest of adjacent landowners.

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

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

Severed Lands – 3.6 hectare severed parcel is mostly open field with variable slope. Parcel contains a creek and dry stream or drain bed in the South East portion. There is at least 1 foot of sandy soil at the surface. There is adequate space on the severed parcel to accommodate a new single family dwelling and septic system. Leaching bed fill may be required depending on the location of the septic system.

Retained Lands – 6.9 hectare retained parcel is open fields with treed portions. There is at least 1 foot of sandy soil at the surface. The front portion of the lot slopes North West. There are 2 sheds and a dry stream or drain bed cutting across the front portion. There is adequate space on the severed parcel to accommodate a new single family dwelling and septic system. Leaching bed fill may be required in leaching bed area, depending on location of 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 a vacant residential building lot comprising approximately 3.6-ha and retain approximately 6.9-ha vacant landholding. The proposed severed parcel fronts on both the Burchill and Richardson Roads, while the retained lands front on Burchill Road.

The subject lands are located in an area characterized as rural to the north, south, east and west. Landholdings are generally larger than standard building lots. Therefore the development proposal is compatible with the rural landscape.

The proposed severance and retained lands lie within 200 m of a 'secondary water source' [stream, spring, marsh, swamp] and therefore qualify for "Archaeological Potential".

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

(d) PUBLIC INPUT

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

Andrew Small (September 27, 2008)

I would like to be notified of the date and time and location of the Public Meeting pertaining to this file # B08/121. As well as the notice of decision of the Land Division Committee in respect to/of the proposed consent.

I would like to let the Land Division Committee know that I am in favour of provisional consent to be granted to the applicant in regard to the proposed land severed outlined in file B08/121.

Thank you for the opportunity to comment on this matter.

(e) MINUTES OF HEARING – October 27, 2008

Juris Mieзитis, applicant, was present and gave evidence under oath.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. A copy of the registered reference plan shall be provided to the Township.
4. That 5% cash-in-lieu of parkland shall be paid to the Township of Montague for each new lot created.
5. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.
6. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance with is either 10 metres (33 feet) from the centerline of the road allowance of 10 metres (33 feet) from the centerline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.
7. That the applicant enter into a Development Agreement and/or Site Plan Agreement the Township, the terms of which are to be acceptable to the Township and Conservation Authority to implement appropriate mitigative measures for future development as outlined in the RVCA dated October 10, 2008.
8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
9. A letter shall be received from the Township stating that conditions #2 to #7 have been fulfilled to their satisfaction.
10. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #7 and #8 have been fulfilled to their satisfaction.

NOTES:

- *Rideau Valley Conservation Authority advises that Rideau Creek and tributaries are subject to the Authorities "Alteration to Waterways Regulation" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
- *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.*
- *The Leeds Grenville and Lanark District Health Unit advises that leaching bed fill may be required in leaching bed area of both the severed and retained lots, depending on location of septic system.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Francis Mackler **Hearing Date:** October 27, 2008
Agent: n/a
LDC File #: B08/122
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 16 **Concession:** 8
Roll No. 0911 91101508000 **Consent Type:** New Lot

Purpose and Effect:

To sever a 1.61-ha residential building lot and retain a 32.0-ha landholding with an existing residential dwelling and farm storage buildings.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Agriculture Building Lot	Agriculture Agriculture
Area Frontage Depth Road - Access to	1.61 ha 163 m 88 m to 110 m Stanleyville Road	32 ha 560 m 564 m Stanleyville Road
Water Supply Sewage Disposal	Private Well Private Septic Tank	Private Well Private Septic Tank
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes N/A	Rural 1.0-ha Yes 60 m Yes N/A

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
 Section 2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

Official Plan – Section 2 General Policies, Section 3.6 Rural, Section 4.4 Township Roads, Section 5.2 Consent Policies.

Tay Valley Township advises that the proposal conforms with the designation and policies of the Official Plan. The Township notes that the Rural designation permits residential uses, however, the proposed lot is subject to MDS requirements as per Policy 2.17.2 in the Official Plan.

Zoning By-law – Section 3.18 Residential Separation Distances, Section 10.1 Rural
Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

The Township advises that any new dwelling must comply with MDS 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:

Tay Valley Township – Planner's Report October 6, 2008 – Recommended conditions:

1. Payment of all taxes owing.
2. Payment of all costs incurred by the Township for the review process.
3. Copy of the deed / transfer.
4. Two copies of the reference plan.
5. Parkland contribution of \$100.
6. The owner convey, at no charge, to Tay Valley Township, sufficient frontage across the severed lands to provide for a right-of-way measuring 10m from the centreline of both Stanleyville Road and Powers Road. The owner shall provide a reference plan which indicates the required widening. If the owner's surveyor determines that a widening is not required, it must be indicated on the reference plan. A draft reference plan shall be sent to the Township for review prior to deposit.

NOTES: The applicant has been advised of the requirement to meet MDS setbacks. Based on information provided to calculate MDS, it appears that development on the lot can accommodate an adequate separation distance in accordance with MDS requirements.

Conservation Authority – Rideau Valley conservation Authority

The application requests approval to sever a 1.6 hectare parcel with 32 hectares remaining in the retained lands. We understand that the severed lands have been used for agricultural purposes. Ontario Base Mapping published by the Ontario Ministry of Natural Resources indicates that there are no wetlands or watercourses on the proposed severed lands. The mapping indicates that there is a small seasonal watercourse flowing through the retained lands along Powers Road and eventually flows into Black Lake. There is also a wetland located on the northeast corner of the retained lands. Please note that the 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). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse.

We have no objection to the applications provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the applications.

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

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

The severed portion of the subject property has an area of approximately 1.61 hectares. The retained portion is proposed to have an area of 32 hectares. There is sufficient space on both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

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

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

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential building lot comprising approximately 1.61-ha and retain approximately 32-ha landholding with a residential dwelling, barn and outbuildings. The proposed severed parcel fronts on both Stanleyville Road and Powers Road, however the entrance is proposed to be via Stanleyville Road. The retained lands front on Stanleyville Road.

The subject lands are located in an area characterized as rural residential, with a mixture of lot sizes and a mixture of residential, farm and hobby farm type development. The lands to the north have been designated as “Waste Disposal Site”.

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

(d) PUBLIC INPUT

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

(e) MINUTES OF HEARING – October 27, 2008

Francis Mackler, applicant, was present and gave evidence under oath.

M Kirkham, Secretary, advised that Tay Valley Township Council will be reviewing the Planner's Report at their October 28, 2008 meeting. Therefore the conditions should include a clause to indicate that the provisional consent is dependent on favourable review by Council.

(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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The Township shall be reimbursed for all costs incurred by the Township for reviewing this application.
4. Two copies of the registered reference plan shall be provided to the Township.
5. The purchaser's solicitor shall undertake to provide the Township with a copy of the registered transfer.
6. Payment shall be made to Tay Valley Township an amount of \$100.00 pursuant to Section 51.1 of the Planning Act.
7. The applicant shall convey, at no charge, to Tay Valley Township, sufficient frontage across the severed lands to provide for a right-of-way measuring 10m from the centreline of both Stanleyville Road and Powers Road. The owner shall provide a reference plan which indicates the required widening. If the owner's surveyor determines that a widening is not required, it must be indicated on the reference plan. A draft reference plan shall be sent to the Township for review prior to deposit.

8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
9. That the Land Division Committee Secretary receive a resolution from Tay Valley Township advising that they have no objection to the consent, subject to the conditions as outlined in the Planner's Report of October 6, 2008.
10. A letter shall be received from the Township stating that conditions #2 to #7 have been fulfilled to their satisfaction.
11. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #8 has been fulfilled to their satisfaction.

NOTES:

- *Tay Valley Township advises that upon issuance of a building permit, the proposed location of the dwelling shall conform to the MDS 1 calculations in respect to the barn noted northerly of the site.*
- *Rideau Valley Conservation Authority advises that the 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). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: John and Melanie O'Neil **Hearing Date:** October 27, 2008
Agent: David G Heeley
LDC File #: B08/123
Municipality: Drummond / North Elmsley
Geographic Township: North Elmsley **Lot:** Pt 29 **Concession:** 7
Roll No. 0919 908 020 16507 **Consent Type:** Lot addition

Purpose and Effect:

To sever a 0.332-ha vacant parcel of land as a lot addition to 356 Sunset Drive (Peter and Wendy Wagland) and retain a 0.466-ha residential lot with an existing dwelling and frame garage.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	0.332-ha	0.466-ha
Frontage	31.55 m	34.37 m
Depth	105.12 m	150.9 m
Road - Access to	Sunset Drive	Sunset Drive
Water Supply	None	Private Well
Sewage Disposal	None	Septic System
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning Category	Limited Services Residential	Limited Services Residential
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	n/a	n/a
-Frontage Required (min.)	50 m	50 m
-Compliance?	n/a	n/a
-Depth Required (min.)	30 m from waterbody	30 m from waterbody
-Compliance?	n.a	n.a

(a) APPLICATION REVIEW

Provincial Policy Statement -

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

Section 2.1.5 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas.

Section 2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water.

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 document
Natural Hazards Section 3.1.1 Development shall generally be direct to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan – Section 3 General Provisions, section 4.3.4 Limited Services Residential development, Section 5.5 Private Roads.

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

Zoning By-law – Section 4 General Provisions, Section 10 Limited Services Residential
The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations.

Note: Section 2.5.2 “In the LSR Zone, the lot addition need not be located in the same zone as such smaller lot. Where the lot addition is located in another zone, it shall be deemed to be located entirely in the LSR Zone and the zone regulations of this By-law shall apply as though the entire lot is located in the LSR Zone.

(b) AGENCY REVIEW

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

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

1. That the balance of any outstanding taxes 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 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 have the following comments for the Committee’s assistance.

The application involves a lot addition to an existing waterfront lot. A 0.332 hectare parcel will be added to the rear of Wagland waterfront property on Otty Lake (356 Sunset Blvd). The rear portion of the proposed lot addition consists of unevaluated wetlands. Our mapping also indicate that a watercourse flow through the wetland and into Otty Lake. The wetland is not presently regulated by the RVCA as it is not deemed Provincially Significant. During our site inspection we noted that the lot is low lying and there was pockets of standing water, it appears that the first 50 – 55 metres (from Sunset Drive) of the proposed addition consists of ash and buckhorn trees, while beyond 50 – 55 metres there are more predominant wetland species. Generally the RVCA supports lot additions to undersized existing waterfront lots as it will increase the depth of the existing waterfront lot which provides a net environmental gain. This allows options for any future proposed development or septic system replacement.

Please note that the watercourse on the subject property is, however, subject to the alternations to watercourses provisions of the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) regulation which means that the written approval of the Conservation Authority is to be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. The watercourse should also be considered as sensitive due to the proximity of Otty Lake.

We have no objection to the severance provided the Township is satisfied in regard to the requirements of the Township's official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or natural hazards as a result of the application. We assume that any future development on the lot addition will be located a minimum of 30 metres from the watercourse.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit Severed Lands – relatively flat treed wetland. Proposed addition to an existing developed residential lot. Satisfactory for intended purpose.

Retained Lands – existing residential lot served by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 ft deep. Satisfactory.

Hydro One Networks – No comments were received.

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

Otty Lake Association – No comments were received.

(c) PLANNING REVIEW

The applicant proposes to sever a lot comprising approximately 0.332-ha of land as a lot addition to lands owned by Peter and Wendy Wagland and described as Part Lot 29 Concession 7 North Elmsley. The lands to be enlarged front on Sunset Drive (Private Road).

The subject lands are located in an area characterized by Limited Services Residential which is defined as "abutting a navigable waterway and not having frontage on and direct access to an opened public road which is maintained year-round". Development is predominately 'water orientated' on a variety of smaller lot sizes to the west and east; open rural lands are located to the south.

The lands are located within 300 m of a waterbody, Otty Lake, therefore are subject to possible "Archaeological Potential".

The lands to be retained are 0.466-ha residential lot with an existing dwelling and outbuilding. These lands also have access via Sunset Drive.

The Drummond / North Elmsley Official Plan encourages the enlargement of existing undersized lots.

There were no concerns or 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 OF HEARING – October 27, 2008

David Heeley, solicitor for the purchaser, was present. (An oath is not required for a member of the Bar Association).

(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 Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Township.
3. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Land Titles Office.
4. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

5. A letter shall be received from the Township stating that conditions #2 and #3 have been fulfilled to their satisfaction.
6. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #6 has been fulfilled to their satisfaction.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Peter and Wendy Wagland (Pt Lot 29 Concession 7, geographic Township of North Burgess, now in the Township of Drummond / North Elmsley), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction

NOTES:

- *Rideau Valley Conservation Authority advises that the watercourse on the subject property is subject to the alternations to watercourses provisions of the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) regulation which means that the written approval of the Conservation Authority is to be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse.*
- *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 17, 2008

Owner: Cheryl and Richard Allan

LDC File #: B08/046

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: Pt 13 **Concession:** 5

Roll No. 0919 919 010 46100

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.57-ha residential building lot and retain a 27.5-ha residential landholding. The lot to be created is accessed by Drummond Con. 5B and the retained lands are accessed by Highway 511 #15593.

This application is to be submitted concurrently with B08/047 and B08/048 and has been resubmitted to reduce the lot size and increase the distance between the lot and the existing farm operation to the south east of the lands.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential / Farm Residential / Farm	Vacant Residential	Residential / Farm Residential / Farm
Area Frontage Depth Road - Access to	28.07-ha 700 m 913 m Highway #7	0.57-ha 56 m 102 m Drummond Con 5B	27.5-ha 700 m 913 m Highway #7
Water Supply Sewage Disposal	Private Well Septic System	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 10.0-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural 10.0-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified as follows:

Section 2.0 Wise Use and Management of Resources. Subsection 2.3 Agriculture

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

A MDS 1 calculation was undertaken which resulted in required setback of 253 m (827 ft) as a result the original lot width as presented was reduced to ensure that the lots were outside the required setback area.

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

Zoning By-law – The Township of Drummond / North Elmsley advised that the proposal complies with municipal zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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

1. That the balance of any outstanding taxes shall be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with the application is a survey is required by the Registry Office.
3. Sufficient land from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Road Superintendent in this regard.

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

According to the information provided, the purpose of the subject application is to sever three vacant 0.57-hectare residential building lots. The retained lot is already developed and equals 25 hectares in size.

A municipal drain, referred to as the Kehoe Municipal Drain, runs through a portion of the proposed retained lands and more than 30 metres beyond the proposed severed parcels. This drain has been classified as intermittent and may comprise fish habitat. We also note that an underground Municipal Tile Drain runs between two of the proposed severed parcels. In addition, a review of the Soil Survey of Canada mapping indicated that a portion of the proposed retained lands consist of marine clay. No other natural heritage features or natural hazards were identified on the subject property.

REVIEW

Municipal Drain

The Kehoe Municipal Drain, which flows along the edge of the proposed retained land has been classified as intermittent and may comprise fish habitat. The Provincial Policy Statement (PPS) indicates 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. However, the proposed retained land is already developed and no new development is proposed at this time. And, the proposed severed parcels are not located within 30 metres of fish habitat.

Soils

The proposed retained parcel is shown on the soils mapping to consist partially of marine clay. In cases where development is proposed adjacent to a slope that may consist of sensitive marine clays such as Leda clay, either a geotechnical investigation or an authorized setback from the slope is required to support the proposed development. However, in the subject case, the terrain is quite flat so there is no concern of slope failure. Therefore, a geotechnical investigation is not recommended and a specified setback is not applicable in this case. In addition, the retained lot is already developed and no new development is proposed at this time. We do, however, recommend that the applicant ensure that the foundation design of any future structures, in the area of these soils, appropriately addresses their presence.

Area and Frontage

All of the resulting lots (severed and retained) meet with the current minimum area and frontage requirements set out in the Township of Drummond/North Elmsley's Zoning By-law.

CONCLUSION

With all of the above in consideration, MVC has no objection to the proposed severances.

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

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

Severed Lands – relatively flat pasture land sloping from south to north. No soil drainage problems. Sandy loam soil 1-1/2 to 2 feet in depth. Additional granular fill will be required in proposed tile bed area.

Retained Lands – Existing farming operation serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 ft deep. Satisfactory.

Hydro One Networks – No comments were received.

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

PUBLIC INPUT

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.

Art Matheson (May 8, 2008)

I am responding to the committees request for recommendations regarding the application to sever three residential building lots File No. B08/046, B08/047 and B08/048. I am a fulltime beef and sheep farmer operating one of the largest cow-calf businesses in our area. Our land is directly across the road from these proposed lots and the main wintering yard and calving barn is very close. Manure storage during winter months, smell of farm animals, noise from equipment and animals, all add up to the making building lots this close to a farm a very bad idea. I therefore am forced to oppose the application so this multi-generation farm can continue. Allowing these severances will put unknowing home owners in an environment most will find unpleasant.

NOTE: As a result of this letter, the applicant was required to undertaken a MDS Calculation which resulted in an amendment to the proposal.

Art Matheson (July 31, 2008)

I am writing to the committee in response to its request for recommendations regarding the three severance applications File #B08/046, B08/047 and B08/048. (revised) As stated in my previous letter, I am a full time sheep & beef farmer operating a large cow-calf operation very close to these lots. I feel the M.D.S calculation does not give an adequate buffer to the noise and smell generated by animals and equipment to prevent endless nuisance complaints. The closeness will prevent expansion of this multi-generation family farm.

These lots are located on a very small band of class 4 soil that is surrounded by class 2 soils. I would suggest that this soil is wrongly classified. The soil is deep and not rocky. The buried tile proves the depth of soil and the absence of stones in fence rows verifies this is not stony soil. I grow crops directly across the road from the proposed lots and have no doubt this is all class 2 soil.

I further want to draw your attention to the fact that these lots are surrounded by an expanding Buffalo Farm. These are very large and potentially dangerous animals in my opinion. Allowing development this close leaves the Land Division Committee with responsibilities for the safety of unsuspecting home buyers in my opinion.

In closing I request notice of the public meeting and the decision. I also request at the least, to have protection for my farm by attaching to the deed, acceptance of the noise smell and any other practices related to farming without complaint by any owner.

Ontario Federation of Agriculture (August 7, 2008) Brian Hamilton, Member Service Representative

I am writing to the committee in response to its' request for recommendations regarding the three severance applications File #B08/046, #B08/047 and #B08/048.

It has recently been brought to my attention by Mr. Art Matheson that there is a severance application for land adjacent to his farm.

The land use policy the provincial government is currently supporting is the restriction of development on all Agriculture Class 1, 2 and 3 land. The Ontario Federation; the 38,000 member farm organization lobbied the government for this establishment of this policy. The board of directors for the organization unanimously supported the position of restricting development on agriculture land class 1, 2 or 3. As the member service rep for the Ontario Federation of Agriculture for the area I would encourage the land use committee of Lanark to adopt a similar policy based on the most up to date accurate soil class mapping available.

To provide assurance to the farming community that current and future farm land uses will not be restricted I encourage all municipalities to avoid the development of residential lots in areas where normal farm practices exist. It has been my experience that urban farm conflicts arise most often when residential properties are developed in an agricultural area. Avoiding potential urban farm conflicts should be a priority for all municipal governments. In doing so municipalities eliminate the nuisance complaints that arrive from this type of conflicting land use, farming versus residential property owner.

A policy that has worked in other jurisdictions and in my opinion should be considered on all development in an agricultural area. **“The policy of registering on the deed at the time of severance that the lots are being developed in an agricultural area and the property will be subject to noise, smells and any other practices related to farming”.**

The development of lots as described in this application has the potential to cause direct or indirect restrictions for the farms in the area. The residential neighbour unfamiliar with normal farm practices could cause problems in the future.

The protection of water and sources of water is becoming a major issue for all. The establishment of the Clean Water Act by the provincial government indicates their intention to make water a priority. Water, and related water issues will have a major impact on municipalities as the Source Water Protection Act established regulation regarding the management of this limited resource. Given the intent of the provincial government it is most interesting that the use of the drain put in place for agricultural drainage will now be used for house development lot drainage. It is my opinion that changing the land ownership and use or adding lots to the drainage system changes the drain and the intended use of the drain. The Municipal Drain will have to be amended to reflect the changes if the lots are approved. I believe all cost for the changes should be considered before approval and paid for by the party seeking the severances or by the lot or new landowners.

I respectfully submit the above ideas for your consideration and I look forward to the public hearing to consider the severance application. Please notify me when the hearing will be held.

MINUTES OF PUBLIC MEETING
(September 22, 2008)

Richard Allan, applicant, Bill Webster, agent for the applicant and Art Matheson, adjacent landowner, were in attendance and gave evidence under oath.

Mr. Allan indicated that soil map shows the lands in the vicinity of the proposed lots as Class 4.

Mr. Webster advised that the Municipal Drain will be the boundary between Lots B08/047 and B08/048.

Mr. Matheson expressed his concern that the drain flows through his property, the proposal prohibits expansion of his livestock facilities and that he does not agree with the soils classification.

Moved by DC Tyson and Seconded by D Murphy, THAT the hearing be deferred to October 27, 2008 meeting pending clarification of “development adjacent to prime agricultural lands”.

(a) Additional Information

Township of Drummond / North Elmsley – Memo from Ray Scissons and Paul Snider to Drummond / North Elmsley Council.

You may recall that the above severance applications came to Committee of the Whole on August 11, 2008.

After much consideration and investigation it was the staff opinion and recommendation that the applications were consistent with the Official Plan and Provincial Policy Statement. Land class shows Class 4 on Canada Land Inventory and application complies with MDS. Base on staff recommendation, Council supported the applications and the Municipal Reply Form was sent to Lanark County Land Division. The public meeting was held and decision deferred pending clarification of land class and location of drain.

We understand Brian Dobbie supplied the applicant with a plan showing the drain location.

On Monday, September 29, 2008, Mr. Matheson came to our office with the attached information (previously provided to LDC) supplied to him by the Ontario Federation of Agriculture. Based on Step 2 on page 6, Mr. Matheson is requesting Council reconsider our support for this application.

This document is an excerpt from the Provincial Policy Statement of 1995.

Staff cannot recommend this proposed reconsideration as the 1995 PPS was rescinded and replaced by the 1997 PPS and again with the 2005 PPS. The policies shown as Step 2 were not carried forward to the later versions of the PPS.

Our Official Plan is consistent with the current PPS.

In consultation with our Planner, Doug Grant we were advised if Council were to reconsider this application based on Provincial Policy which no longer applies, the Township and County would be open to an expensive OMB appeal if the consents were denied based on this information.

Conservation Authority – no new comments were provided.

On-Site Services (Septics) – LGL Health Unit reviewed the revised applications:

B08/046 – no new comments

B08/047 - requires that the proposed septic system be set back a minimum of 20 metres from the municipal drain.

B08/048 – requires that the proposed septic system be set back a minim of 20 metres from the municipal drain.

Hydro One Networks – No new comments were received.

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

(b) **PLANNING REVIEW**

The Secretary contacted MMAH who discussed the issue of Prime Agricultural lands with Min Ag & Food. (John O'Neil) regarding the question on PPS vs OP designations.

Land Division Committee contracted J.L. Richards (Daphne Wretham) to undertake a review of the application and to provide a "Planning Report".

MEMORANDUM

Page 1 of 2

TO: Mary Kirkham mkirkham@county.lanark.on.ca DATE: October 17, 2008
Secretary, Land Division Committee
County of Lanark JOB NO.: 23264

FROM: Daphne E. Wretham, MCIP, RPP CC:

RE: Applications for Consent:
B08/046, B08/047 and B08/048

As requested, we have completed a review of the above-referenced files. Specifically, we have reviewed the files, the Official Plan and Zoning By-law, visited the site and reviewed the 2005 Provincial Policy Statement (2005 PPS). The following comments are offered with respect to these applications. These comments are specifically related to the policies of the 2005 PPS and whether the applications are consistent with the same.

The subject lands are designated Rural in the Official Plan of the Township of Drummond/North Elmsley. The Official Plan includes an agricultural designation which would have been reviewed by the relevant provincial agencies. It is, therefore, assumed that the Ministry of Agriculture and Food was satisfied that the designation included the appropriate prime agricultural areas of the Municipality. While the Official Plan was approved prior to the 2005 PPS, unless the Ministry of Agriculture and Food has identified additional areas of prime agricultural lands in the Township, then the designations of the approved Official Plan would continue to apply.

The definitions for prime agricultural area and prime agricultural land are included in the 2005 PPS. The most significant change in the policies for prime agricultural areas in the 2005 PPS was the elimination of residential severances except for surplus dwellings. The identification of prime agricultural areas still is done through the process of designating such lands in the Official Plan.

The Rural designation in the Drummond/North Elmsley Official Plan permits both agricultural uses and limited residential development, subject to meeting the Minimum Distance Separation formulae. These policies are consistent with the 2005 PPS policies for Rural Areas. The 2005 PPS does suggest that locally important agricultural areas be designated and protected from non-related development. This, however, would be a local matter which would properly be implemented through an amendment or an update to the Official Plan and would therefore not apply to the current applications. The 2005 PPS does not define limited residential development and it is understood that the Township has consistently determined that three new lots plus the retained lot constitutes limited residential development in the Rural Area. It is also noted that the applications were amended to respect the Minimum Distance Separation formulae, as required by the 2005 PPS.

It is, therefore, my opinion that the proposed severances are in accordance with the approved Official Plan and the 2005 PPS. It is understood that comments are being sought from the Ministries of Municipal Affairs and Housing and Agriculture and Food. If the Ministry of Agriculture and Food has prepared additional studies to identify prime agricultural lands affecting the subject lands, then the applications may have to be reconsidered in light of that new information.

If you have any questions regarding this Memorandum or if you require anything further with respect to these applications, please call me at 1-613-272-2169.

Prepared by:

J.L. RICHARDS & ASSOCIATES LIMITED



DEW

Daphne E. Wretham, MCIP, RPP

DEW:ks

Ontario Ministry of Agricultural Food & Rural Affairs – October 23, 2008

It is understood that an application has been submitted to the Township of Drummond-North Elmsley for the creation of a new lot. While OMAFRA does not typically comment on consent applications, the following can be provided.

The Information available indicates that the subject area is located within an area designated as Rural in the Official Plan. It should be noted that the Municipality has previously undertaken an exercise to identify Agricultural lands and as such has designated these areas accordingly, as appropriate.

Although objections to the proposed development have been brought forward with the position that the subject lands are good agricultural lands and should not be allowed to be severed, the land is not currently designated as Agricultural and as such, not subject to the lot creation policies of Section 2.3 of the PPS.

Notwithstanding the above, OMAFRA would like to indicate that although the lands are not designated as Agricultural, proposed development would still be subject to PPS policy 1.1.4.1c) (Minimum Distance Separation Formulae)

OMAFRA staff would like to point out that the Municipality is required to review their official plan every five years and would encourage any individuals with concerns about current designations to continue to communicate with their local planning staff if they believe a designation requires further investigation.

John O'Neill
Rural Planner
OMAFRA - Kemptville ON

(c) **PUBLIC INPUT**

Addition 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:

Art Matheson (October 9, 2008)

I am writing to add some information that I feel supports my position further that severance application File #B08/046, B08/047 and B08/048 should be rejected. In the Official Plan of Drummond / North Elmsley, Section 4 Land Use Policies subsection 4.3.1 Intent of Designation, it clearly states that the rural designation is to protect traditional rural activities such as agriculture and other permitted uses will be carefully controlled.

This is clearly a traditional farm area, the home farm I live on has been farmed by my family for five generations. I also rent several farms in the immediate area including on both sides of the Allan's property. The Allan's intended use is also agriculture. With the entire area being agriculture there is little discussion possible that subsection 4.3.1 doesn't apply.

In addition subsection 4.3.2.2 Land Designated Rural where development is proposed on predominately agricultural areas, Council should consider and apply policies of the Agriculture designation. Please see the attached and highlighted sections for reference.

Subsection 4.3.2.2 is written as if this circumstance was in mind. This is designated rural, agriculture does dominate, development is proposed. Council should have applied the policies of Agriculture designation.

To allow development on this small piece of class 4 land, that is surrounded by prime class 2 land and not recognize it as part of a prime agricultural area, will have a high negative impact on my farming operation. MDS constraints will restrict development and expansion of this family farm. Furthermore inevitable complaints, dogs running at large and trespassing will make farming increasingly difficult.

Your consideration to this matter is appreciated.

SECTION 4 LAND USE POLICIES

4.3 RURAL

4.3.1 Intent of Designation

The Rural designation is placed on all areas of the Township which have not otherwise been designated for a particular purpose under another land use designation. The Rural designation is intended to protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting. It is recognized that the majority of the Township's existing, as well as future, residential development will be located in the Rural designation. Other permitted uses will be carefully controlled in order to protect existing uses and the rural character of the Township, and to ensure that the Township's financial resources keep pace with development activity.

The permitted uses shall be in accordance with the following policies.

4.3.2 Agriculture

4.3.2.1 Agricultural uses are permitted in the Rural designation and, where such uses exist, any future development which takes place within the vicinity of an existing agricultural use shall comply with the Minimum Distance Separation formula in accordance with the policies of Section 3.3. As well, any new agricultural use or expansion of an existing agricultural use within the vicinity of existing non-agricultural uses shall also comply with the Minimum Distance Separation formula and shall be subject to the nutrient management policies of Section 3.3.

4.3.2.2 Where development is proposed on lands which are designated Rural and which are located in a predominantly agricultural area, Council should consider, and may apply, the policies of the Agriculture designation as set out in Section 4.4.

(d) MINUTES OF RECONVENED HEARING – October 27, 2008

Richard Allan, applicant and William Webster, agent for the applicant, were present and advised that they were still under oath.

Brian Hamilton, OFA Member Services Representative, was present and gave evidence under oath. Mr. Hamilton advised that he was participating in the hearing on behalf of the OFA.

M Kirkham, Secretary, advised that Mr. Matheson was unable to attend as he had recently been involved in a serious accident.

B Strachan, chair reviewed the new information received from J.L. Richards and the Ontario Ministry of Agriculture, Food and Rural Affairs.

(e) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the plan of survey delineates the location of the existing Municipal Tile Drain.
3. That the balance of any outstanding taxes shall be paid to the Township.
4. 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 Land Titles Office.
5. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
6. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, the wording of which shall include that no development, including the installation of septic systems for applications B08/047 and B08/048 shall be permitted within 20 metres of the Kehoe Tile Drain Branch, including any changes or amendments that may be required to the "Municipal Tile Drainage Maintenance Agreement".
7. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, the wording of which shall be satisfactory to the Township, to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all agreements of purchase and sale or lease shall include the clause that the property may be subject to the sights, sounds and smells of agriculture.

8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 to #7 have been fulfilled to their satisfaction.
10. A letter shall be received from the Mississippi Valley Conservation stating that condition #8 has been complied with.
11. A letter shall be received from the Leeds Grenville and Lanark District Health Unit advising that condition #6 has been complied with.

NOTES:

- *The LGL Health Unit advises that additional granular fill will be required in the proposed tile bed area.*
- *The Mississippi Valley Conservation advises that the applicant ensure that the foundation design of any future structures, in the area of marine clay, appropriately addresses their presence.*
- *Upon issuance of a building permit, the proposed location of dwellings shall conform to the MDS 1 calculation in respect to the barn located to the south of the site.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 17, 2008

Owner: Cheryl and Richard Allan

LDC File #: B08/047

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: Pt 13 **Concession:** 5

Roll No. 0919 919 010 46100

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.57-ha residential building lot and retain a 26.93-ha residential landholding. The lot to be created is accessed by Drummond Con. 5B and the retained lands are accessed by Highway 511 #15593.

This application is to be submitted concurrently with B08/046 and B08/048 and has been resubmitted to reduce the lot size and increase the distance between the lot and the existing farm operation to the south east of the lands.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential / Farm Residential / Farm	Vacant Residential	Residential / Farm Residential / Farm
Area Frontage Depth Road - Access to	27.5-ha 700 m 913 m Highway #7	0.57-ha 56 m 102 m Drummond Con 5B	26.93-ha 700 m 913 m Highway #7
Water Supply Sewage Disposal	Private Well Septic System	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 10.0-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural 10.0-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified as follows:

Section 2.0 Wise Use and Management of Resources. Subsection 2.3 Agriculture

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

A MDS 1 calculation was undertaken which resulted in required setback of 253 m (827 ft) as a result the original lot width as presented was reduced to ensure that the lots were outside the required setback area.

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

Zoning By-law – The Township of Drummond / North Elmsley advised that the proposal complies with municipal zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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

4. That the balance of any outstanding taxes shall be paid to the Township.
5. The applicant shall provide the Township with a registered copy of all reference plans associated with the application is a survey is required by the Registry Office.
6. Sufficient land from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Road Superintendent in this regard.

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

According to the information provided, the purpose of the subject application is to sever three vacant 0.57-hectare residential building lots. The retained lot is already developed and equals 25 hectares in size.

A municipal drain, referred to as the Kehoe Municipal Drain, runs through a portion of the proposed retained lands and more than 30 metres beyond the proposed severed parcels. This drain has been classified as intermittent and may comprise fish habitat. We also note that an underground Municipal Tile Drain runs between two of the proposed severed parcels. In addition, a review of the Soil Survey of Canada mapping indicated that a portion of the proposed retained lands consist of marine clay. No other natural heritage features or natural hazards were identified on the subject property.

REVIEW

Municipal Drain

The Kehoe Municipal Drain, which flows along the edge of the proposed retained land has been classified as intermittent and may comprise fish habitat. The Provincial Policy Statement (PPS) indicates 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. However, the proposed retained land is already developed and no new development is proposed at this time. And, the proposed severed parcels are not located within 30 metres of fish habitat.

Soils

The proposed retained parcel is shown on the soils mapping to consist partially of marine clay. In cases where development is proposed adjacent to a slope that may consist of sensitive marine clays such as Leda clay, either a geotechnical investigation or an authorized setback from the slope is required to support the proposed development. However, in the subject case, the terrain is quite flat so there is no concern of slope failure. Therefore, a geotechnical investigation is not recommended and a specified setback is not applicable in this case. In addition, the retained lot is already developed and no new development is proposed at this time. We do, however, recommend that the applicant ensure that the foundation design of any future structures, in the area of these soils, appropriately addresses their presence.

Area and Frontage

All of the resulting lots (severed and retained) meet with the current minimum area and frontage requirements set out in the Township of Drummond/North Elmsley's Zoning By-law.

CONCLUSION

With all of the above in consideration, MVC has no objection to the proposed severances.

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

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

Severed Lands – relatively flat pasture land sloping from south to north. No soil drainage problems. Sandy loam soil 1-1/2 to 2 feet in depth. Additional granular fill will be required in proposed tile bed area.

Retained Lands – Existing farming operation serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 ft deep. Satisfactory.

Hydro One Networks – No comments were received.

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

PUBLIC INPUT

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.

Art Matheson (May 8, 2008)

I am responding to the committees request for recommendations regarding the application to sever three residential building lots File No. B08/046, B08/047 and B08/048. I am a fulltime beef and sheep farmer operating one of the largest cow-calf businesses in our area. Our land is directly across the road from these proposed lots and the main wintering yard and calving barn is very close. Manure storage during winter months, smell of farm animals, noise from equipment and animals, all add up to the making building lots this close to a farm a very bad idea. I therefore am forced to oppose the application so this multi-generation farm can continue. Allowing these severances will put unknowing home owners in an environment most will find unpleasant.

NOTE: As a result of this letter, the applicant was required to undertaken a MDS Calculation which resulted in an amendment to the proposal.

Art Matheson (July 31, 2008)

I am writing to the committee in response to its request for recommendations regarding the three severance applications File #B08/046, B08/047 and B08/048. (revised) As stated in my previous letter, I am a full time sheep & beef farmer operating a large cow-calf operation very close to these lots. I feel the M.D.S calculation does not give an adequate buffer to the noise and smell generated by animals and equipment to prevent endless nuisance complaints. The closeness will prevent expansion of this multi-generation family farm.

These lots are located on a very small band of class 4 soil that is surrounded by class 2 soils. I would suggest that this soil is wrongly classified. The soil is deep and not rocky. The buried tile proves the depth of soil and the absence of stones in fence rows verifies this is not stony soil. I grow crops directly across the road from the proposed lots and have no doubt this is all class 2 soil.

I further want to draw your attention to the fact that these lots are surrounded by an expanding Buffalo Farm. These are very large and potentially dangerous animals in my opinion. Allowing development this close leaves the Land Division Committee with responsibilities for the safety of unsuspecting home buyers in my opinion.

I closing I request notice of the public meeting and the decision. I also request at the least, to have protection for my farm by attaching to the deed, acceptance of the noise smell and any other practices related to farming without complaint by any owner.

Ontario Federation of Agriculture (August 7, 2008) Brian Hamilton, Member Service Representative

I am writing to the committee in response to its' request for recommendations regarding the three severance applications File #B08/046, #B08/047 and #B08/048.

It has recently been brought to my attention by Mr. Art Matheson that there is a severance application for land adjacent to his farm.

The land use policy the provincial government is currently supporting is the restriction of development on all Agriculture Class 1, 2 and 3 land. The Ontario Federation; the 38,000 member farm organization lobbied the government for this establishment of this policy. The board of directors for the organization unanimously supported the position of restricting development on agriculture land class 1, 2 or 3. As the member service rep for the Ontario Federation of Agriculture for the area I would encourage the land use committee of Lanark to adopt a similar policy based on the most up to date accurate soil class mapping available.

To provide assurance to the farming community that current and future farm land uses will not be restricted I encourage all municipalities to avoid the development of residential lots in areas where normal farm practices exist. It has been my experience that urban farm conflicts arise most often when residential properties are developed in an agricultural area. Avoiding potential urban farm conflicts should be a priority for all municipal governments. In doing so municipalities eliminate the nuisance complaints that arrive from this type of conflicting land use, farming versus residential property owner.

A policy that has worked in other jurisdictions and in my opinion should be considered on all development in an agricultural area. **"The policy of registering on the deed at the time of severance that the lots are being developed in an agricultural area and the property will be subject to noise, smells and any other practices related to farming".**

The development of lots as described in this application has the potential to cause direct or indirect restrictions for the farms in the area. The residential neighbour unfamiliar with normal farm practices could cause problems in the future.

The protection of water and sources of water is becoming a major issue for all. The establishment of the Clean Water Act by the provincial government indicates their intention to make water a priority. Water, and related water issues will have a major impact on municipalities as the Source Water Protection Act established regulation regarding the management of this limited resource. Given the intent of the provincial government it is most interesting that the use of the drain put in place for agricultural drainage will now be used for house development lot drainage. It is my opinion that changing the land ownership and use or adding lots to the drainage system changes the drain and the intended use of the drain. The Municipal Drain will have to be amended to reflect the changes if the

lots are approved. I believe all cost for the changes should be considered before approval and paid for by the party seeking the severances or by the lot or new landowners.

I respectfully submit the above ideas for your consideration and I look forward to the public hearing to consider the severance application. Please notify me when the hearing will be held.

MINUTES OF PUBLIC MEETING

(September 22, 2008)

Richard Allan, applicant, Bill Webster, agent for the applicant and Art Matheson, adjacent landowner, were in attendance and gave evidence under oath.

Mr. Allan indicated that soil map shows the lands in the vicinity of the proposed lots as Class 4.

Mr. Webster advised that the Municipal Drain will be the boundary between Lots B08/047 and B08/048.

Mr. Matheson expressed his concern that the drain flows through his property, the proposal prohibits expansion of his livestock facilities and that he does not agree with the soils classification.

Moved by DC Tyson and Seconded by D Murphy, THAT the hearing be deferred to October 27, 2008 meeting pending clarification of "development adjacent to prime agricultural lands".

(a) Additional Information

Township of Drummond / North Elmsley – Memo from Ray Scissons and Paul Snider to Drummond / North Elmsley Council.

You may recall that the above severance applications came to Committee of the Whole on August 11, 2008.

After much consideration and investigation it was the staff opinion and recommendation that the applications were consistent with the Official Plan and Provincial Policy Statement. Land class shows Class 4 on Canada Land Inventory and application complies with MDS. Base on staff recommendation, Council supported the applications

and the Municipal Reply Form was sent to Lanark County Land Division. The public meeting was held and decision deferred pending clarification of land class and location of drain.

We understand Brian Dobbie supplied the applicant with a plan showing the drain location.

On Monday, September 29, 2008, Mr. Matheson came to our office with the attached information (previously provided to LDC) supplied to him by the Ontario Federation of Agriculture. Based on Step 2 on page 6, Mr. Matheson is requesting Council reconsider our support for this application.

This document is an excerpt from the Provincial Policy Statement of 1995.

Staff cannot recommend this proposed reconsideration as the 1995 PPS was rescinded and replaced by the 1997 PPS and again with the 2005 PPS. The policies shown as Step 2 were not carried forward to the later versions of the PPS.

Our Official Plan is consistent with the current PPS.

In consultation with our Planner, Doug Grant we were advised if Council were to reconsider this application based on Provincial Policy which no longer applies, the Township and County would be open to an expensive OMB appeal if the consents were denied based on this information.

Conservation Authority – no new comments were provided.

On-Site Services (Septics) – LGL Health Unit reviewed the revised applications:

B08/046 – no new comments

B08/047 - requires that the proposed septic system be set back a minimum of 20 metres from the municipal drain.

B08/048 – requires that the proposed septic system be set back a minimum of 20 metres from the municipal drain.

Hydro One Networks – No new comments were received.

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

(b) **PLANNING REVIEW**

The Secretary contacted MMAH who discussed the issue of Prime Agricultural lands with Min Ag & Food. (John O'Neil) regarding the question on PPS vs OP designations.

Land Division Committee contracted J.L. Richards (Daphne Wretham) to undertake a review of the application and to provide a "Planning Report".

MEMORANDUM

Page 1 of 2

TO: Mary Kirkham mkirkham@county.lanark.on.ca DATE: October 17, 2008
Secretary, Land Division Committee
County of Lanark JOB NO.: 23264

FROM: Daphne E. Wretham, MCIP, RPP CC:

RE: Applications for Consent:
B08/046, B08/047 and B08/048

As requested, we have completed a review of the above-referenced files. Specifically, we have reviewed the files, the Official Plan and Zoning By-law, visited the site and reviewed the 2005 Provincial Policy Statement (2005 PPS). The following comments are offered with respect to these applications. These comments are specifically related to the policies of the 2005 PPS and whether the applications are consistent with the same.

The subject lands are designated Rural in the Official Plan of the Township of Drummond/North Elmsley. The Official Plan includes an agricultural designation which would have been reviewed by the relevant provincial agencies. It is, therefore, assumed that the Ministry of Agriculture and Food was satisfied that the designation included the appropriate prime agricultural areas of the Municipality. While the Official Plan was approved prior to the 2005 PPS, unless the Ministry of Agriculture and Food has identified additional areas of prime agricultural lands in the Township, then the designations of the approved Official Plan would continue to apply.

The definitions for prime agricultural area and prime agricultural land are included in the 2005 PPS. The most significant change in the policies for prime agricultural areas in the 2005 PPS was the elimination of residential severances except for surplus dwellings. The identification of prime agricultural areas still is done through the process of designating such lands in the Official Plan.

The Rural designation in the Drummond/North Elmsley Official Plan permits both agricultural uses and limited residential development, subject to meeting the Minimum Distance Separation formulae. These policies are consistent with the 2005 PPS policies for Rural Areas. The 2005 PPS does suggest that locally important agricultural areas be designated and protected from non-related development. This, however, would be a local matter which would properly be implemented through an amendment or an update to the Official Plan and would therefore not apply to the current applications. The 2005 PPS does not define limited residential development and it is understood that the Township has consistently determined that three new lots plus the retained lot constitutes limited residential development in the Rural Area. It is also noted that the applications were amended to respect the Minimum Distance Separation formulae, as required by the 2005 PPS.

It is, therefore, my opinion that the proposed severances are in accordance with the approved Official Plan and the 2005 PPS. It is understood that comments are being sought from the Ministries of Municipal Affairs and Housing and Agriculture and Food. If the Ministry of Agriculture and Food has prepared additional studies to identify prime agricultural lands affecting the subject lands, then the applications may have to be reconsidered in light of that new information.

If you have any questions regarding this Memorandum or if you require anything further with respect to these applications, please call me at 1-613-272-2169.

Prepared by:

J.L. RICHARDS & ASSOCIATES LIMITED


Daphne E. Wretham, MCIP, RPP

DEW:ks

Ontario Ministry of Agricultural Food & Rural Affairs – October 23, 2008

It is understood that an application has been submitted to the Township of Drummond-North Elmsley for the creation of a new lot. While OMAFRA does not typically comment on consent applications, the following can be provided.

The Information available indicates that the subject area is located within an area designated as Rural in the Official Plan. It should be noted that the Municipality has previously undertaken an exercise to identify Agricultural lands and as such has designated these areas accordingly, as appropriate.

Although objections to the proposed development have been brought forward with the position that the subject lands are good agricultural lands and should not be allowed to be severed, the land is not currently designated as Agricultural and as such, not subject to the lot creation policies of Section 2.3 of the PPS.

Notwithstanding the above, OMAFRA would like to indicate that although the lands are not designated as Agricultural, proposed development would still be subject to PPS policy 1.1.4.1c) (Minimum Distance Separation Formulae)

OMAFRA staff would like to point out that the Municipality is required to review their official plan every five years and would encourage any individuals with concerns about current designations to continue to communicate with their local planning staff if they believe a designation requires further investigation.

John O'Neill
Rural Planner
OMAFRA - Kemptville ON

(c) **PUBLIC INPUT**

Addition 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:

Art Matheson (October 9, 2008)

I am writing to add some information that I feel supports my position further that severance application File #B08/046, B08/047 and B08/048 should be rejected. In the Official Plan of Drummond / North Elmsley, Section 4 Land Use Policies subsection 4.3.1 Intent of Designation, it clearly states that the rural designation is to protect traditional rural activities such as agriculture and other permitted uses will be carefully controlled.

This is clearly a traditional farm area, the home farm I live on has been farmed by my family for five generations. I also rent several farms in the immediate area including on both sides of the Allan's property. The Allan's intended use is also agriculture. With the entire area being agriculture there is little discussion possible that subsection 4.3.1 doesn't apply.

In addition subsection 4.3.2.2 Land Designated Rural where development is proposed on predominately agricultural areas, Council should consider and apply policies of the Agriculture designation. Please see the attached and highlighted sections for reference.

Subsection 4.3.2.2 is written as if this circumstance was in mind. This is designated rural, agriculture does dominate, development is proposed. Council should have applied the policies of Agriculture designation.

To allow development on this small piece of class 4 land, that is surrounded by prime class 2 land and not recognize it as part of a prime agricultural area, will have a high negative impact on my farming operation. MDS constraints will restrict development and expansion of this family farm. Furthermore inevitable complaints, dogs running at large and trespassing will make farming increasingly difficult.

Your consideration to this matter is appreciated.

SECTION 4 LAND USE POLICIES

4.3 RURAL

4.3.1 Intent of Designation

The Rural designation is placed on all areas of the Township which have not otherwise been designated for a particular purpose under another land use designation. The Rural designation is intended to protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting. It is recognized that the majority of the Township's existing, as well as future, residential development will be located in the Rural designation. Other permitted uses will be carefully controlled in order to protect existing uses and the rural character of the Township, and to ensure that the Township's financial resources keep pace with development activity.

The permitted uses shall be in accordance with the following policies.

4.3.2 Agriculture

4.3.2.1 Agricultural uses are permitted in the Rural designation and, where such uses exist, any future development which takes place within the vicinity of an existing agricultural use shall comply with the Minimum Distance Separation formula in accordance with the policies of Section 3.3. As well, any new agricultural use or expansion of an existing agricultural use within the vicinity of existing non-agricultural uses shall also comply with the Minimum Distance Separation formula and shall be subject to the nutrient management policies of Section 3.3.

4.3.2.2 Where development is proposed on lands which are designated Rural and which are located in a predominantly agricultural area, Council should consider, and may apply, the policies of the Agriculture designation as set out in Section 4.4.

(d) MINUTES OF RECONVENED HEARING – October 27, 2008

Richard Allan, applicant and William Webster, agent for the applicant, were present and advised that they were still under oath.

Brian Hamilton, OFA Member Services Representative, was present and gave evidence under oath. Mr. Hamilton advised that he was participating in the hearing on behalf of the OFA.

M Kirkham, Secretary, advised that Mr. Matheson was unable to attend as he had recently been involved in a serious accident.

B Strachan, chair reviewed the new information received from J.L. Richards and the Ontario Ministry of Agriculture, Food and Rural Affairs.

(e) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the plan of survey delineates the location of the existing Municipal Tile Drain.
3. That the balance of any outstanding taxes shall be paid to the Township.
4. The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
6. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, the wording of which shall include that no development, including the installation of septic systems for applications B08/047 and B08/048 shall be permitted within 20 metres of the Kehoe Tile Drain Branch, including any changes or amendments that may be required to the "Municipal Tile Drainage Maintenance Agreement".
7. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, the wording of which shall be satisfactory to the Township, to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all agreements of purchase and sale or lease shall include the clause that the property may be subject to the sights, sounds and smells of agriculture.

8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 to #7 have been fulfilled to their satisfaction.
10. A letter shall be received from the Mississippi Valley Conservation stating that condition #8 has been complied with.
11. A letter shall be received from the Leeds Grenville and Lanark District Health Unit advising that condition #6 has been complied with.

NOTES:

- *The LGL Health Unit advises that additional granular fill will be required in the proposed tile bed area.*
- *The Mississippi Valley Conservation advises that the applicant ensure that the foundation design of any future structures, in the area of marine clay, appropriately addresses their presence.*
- *Upon issuance of a building permit, the proposed location of dwellings shall conform to the MDS 1 calculation in respect to the barn located to the south of the site.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: September 17, 2008

Owner: Cheryl and Richard Allan

LDC File #: B08/048

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: Pt 13 **Concession:** 5

Roll No. 0919 919 010 46100

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.57-ha residential building lot and retain a 26.36-ha residential landholding. The lot to be created is accessed by Drummond Con. 5B and the retained lands are accessed by Highway 511 #15593.

This application is to be submitted concurrently with B08/046 and B08/047 and has been resubmitted to reduce the lot size and increase the distance between the lot and the existing farm operation to the south east of the lands.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential / Farm Residential / Farm	Vacant Residential	Residential / Farm Residential / Farm
Area Frontage Depth Road - Access to	26.93-ha 700 m 913 m Highway #7	0.57-ha 56 m 102 m Drummond Con 5B	26.36-ha 700 m 913 m Highway #7
Water Supply Sewage Disposal	Private Well Septic System	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 10.0-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural 10.0-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified as follows:

Section 2.0 Wise Use and Management of Resources. Subsection 2.3 Agriculture

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

A MDS 1 calculation was undertaken which resulted in required setback of 253 m (827 ft) as a result the original lot width as presented was reduced to ensure that the lots were outside the required setback area.

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

Zoning By-law – The Township of Drummond / North Elmsley advised that the proposal complies with municipal zoning by-law regulations.

EXTERNAL CIRCULATION COMMENTS

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

1. That the balance of any outstanding taxes shall be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with the application is a survey is required by the Registry Office.
3. Sufficient land from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Road Superintendent in this regard.

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

According to the information provided, the purpose of the subject application is to sever three vacant 0.57-hectare residential building lots. The retained lot is already developed and equals 25 hectares in size.

A municipal drain, referred to as the Kehoe Municipal Drain, runs through a portion of the proposed retained lands and more than 30 metres beyond the proposed severed parcels. This drain has been classified as intermittent and may comprise fish habitat. We also note that an underground Municipal Tile Drain runs between two of the proposed severed parcels. In addition, a review of the Soil Survey of Canada mapping indicated that a portion of the proposed retained lands consist of marine clay. No other natural heritage features or natural hazards were identified on the subject property.

REVIEW

Municipal Drain

The Kehoe Municipal Drain, which flows along the edge of the proposed retained land has been classified as intermittent and may comprise fish habitat. The Provincial Policy Statement (PPS) indicates 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. However, the proposed retained land is already developed and no new development is proposed at this time. And, the proposed severed parcels are not located within 30 metres of fish habitat.

Soils

The proposed retained parcel is shown on the soils mapping to consist partially of marine clay. In cases where development is proposed adjacent to a slope that may consist of sensitive marine clays such as Leda clay, either a geotechnical investigation or an authorized setback from the slope is required to support the proposed development. However, in the subject case, the terrain is quite flat so there is no concern of slope failure. Therefore, a geotechnical investigation is not recommended and a specified setback is not applicable in this case. In addition, the retained lot is already developed and no new development is proposed at this time. We do, however, recommend that the applicant ensure that the foundation design of any future structures, in the area of these soils, appropriately addresses their presence.

Area and Frontage

All of the resulting lots (severed and retained) meet with the current minimum area and frontage requirements set out in the Township of Drummond/North Elmsley's Zoning By-law.

CONCLUSION

With all of the above in consideration, MVC has no objection to the proposed severances.

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

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

Severed Lands – relatively flat pasture land sloping from south to north. No soil drainage problems. Sandy loam soil 1-1/2 to 2 feet in depth. Additional granular fill will be required in proposed tile bed area.

Retained Lands – Existing farming operation serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 ft deep. Satisfactory.

Hydro One Networks – No comments were received.

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

PUBLIC INPUT

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.

Art Matheson (May 8, 2008)

I am responding to the committees request for recommendations regarding the application to sever three residential building lots File No. B08/046, B08/047 and B08/048. I am a fulltime beef and sheep farmer operating one of the largest cow-calf businesses in our area. Our land is directly across the road from these proposed lots and the main wintering yard and calving barn is very close. Manure storage during winter months, smell of farm animals, noise from equipment and animals, all add up to the making building lots this close to a farm a very bad idea. I therefore am forced to oppose the application so this multi-generation farm can continue. Allowing these severances will put unknowing home owners in an environment most will find unpleasant.

NOTE: As a result of this letter, the applicant was required to undertaken a MDS Calculation which resulted in an amendment to the proposal.

Art Matheson (July 31, 2008)

I am writing to the committee in response to its request for recommendations regarding the three severance applications File #B08/046, B08/047 and B08/048. (revised) As stated in my previous letter, I am a full time sheep & beef farmer operating a large cow-calf operation very close to these lots. I feel the M.D.S calculation does not give an adequate buffer to the noise and smell generated by animals and equipment to prevent endless nuisance complaints. The closeness will prevent expansion of this multi-generation family farm.

These lots are located on a very small band of class 4 soil that is surrounded by class 2 soils. I would suggest that this soil is wrongly classified. The soil is deep and not rocky. The buried tile proves the depth of soil and the absence of stones in fence rows verifies this is not stony soil. I grow crops directly across the road from the proposed lots and have no doubt this is all class 2 soil.

I further want to draw your attention to the fact that these lots are surrounded by an expanding Buffalo Farm. These are very large and potentially dangerous animals in my opinion. Allowing development this close leaves the Land Division Committee with responsibilities for the safety of unsuspecting home buyers in my opinion.

In closing I request notice of the public meeting and the decision. I also request at the least, to have protection for my farm by attaching to the deed, acceptance of the noise smell and any other practices related to farming without complaint by any owner.

Ontario Federation of Agriculture (August 7, 2008) Brian Hamilton, Member Service Representative

I am writing to the committee in response to its' request for recommendations regarding the three severance applications File #B08/046, #B08/047 and #B08/048.

It has recently been brought to my attention by Mr. Art Matheson that there is a severance application for land adjacent to his farm.

The land use policy the provincial government is currently supporting is the restriction of development on all Agriculture Class 1, 2 and 3 land. The Ontario Federation; the 38,000 member farm organization lobbied the government for this establishment of this policy. The board of directors for the organization unanimously supported the position of restricting development on agriculture land class 1, 2 or 3. As the member service rep for the Ontario Federation of Agriculture for the area I would encourage the land use committee of Lanark to adopt a similar policy based on the most up to date accurate soil class mapping available.

To provide assurance to the farming community that current and future farm land uses will not be restricted I encourage all municipalities to avoid the development of residential lots in areas where normal farm practices exist. It has been my experience that urban farm conflicts arise most often when residential properties are developed in an agricultural area. Avoiding potential urban farm conflicts should be a priority for all municipal governments. In doing so municipalities eliminate the nuisance complaints that arrive from this type of conflicting land use, farming versus residential property owner.

A policy that has worked in other jurisdictions and in my opinion should be considered on all development in an agricultural area. **"The policy of registering on the deed at the time of severance that the lots are being developed in an agricultural area and the property will be subject to noise, smells and any other practices related to farming".**

The development of lots as described in this application has the potential to cause direct or indirect restrictions for the farms in the area. The residential neighbour unfamiliar with normal farm practices could cause problems in the future.

The protection of water and sources of water is becoming a major issue for all. The establishment of the Clean Water Act by the provincial government indicates their intention to make water a priority. Water, and related water issues will have a major impact on municipalities as the Source Water Protection Act established regulation regarding the management of this limited resource. Given the intent of the provincial government it is most interesting that the use of the drain put in place for agricultural drainage will now be used for house development lot drainage. It is my opinion that changing the land ownership and use or adding lots to the drainage system changes the drain and the intended use of the drain. The Municipal Drain will have to be amended to reflect the changes if the

lots are approved. I believe all cost for the changes should be considered before approval and paid for by the party seeking the severances or by the lot or new landowners.

I respectfully submit the above ideas for your consideration and I look forward to the public hearing to consider the severance application. Please notify me when the hearing will be held.

MINUTES OF PUBLIC MEETING (September 22, 2008)

Richard Allan, applicant, Bill Webster, agent for the applicant and Art Matheson, adjacent landowner, were in attendance and gave evidence under oath.

Mr. Allan indicated that soil map shows the lands in the vicinity of the proposed lots as Class 4.

Mr. Webster advised that the Municipal Drain will be the boundary between Lots B08/047 and B08/048.

Mr. Matheson expressed his concern that the drain flows through his property, the proposal prohibits expansion of his livestock facilities and that he does not agree with the soils classification.

Moved by DC Tyson and Seconded by D Murphy, THAT the hearing be deferred to October 27, 2008 meeting pending clarification of "development adjacent to prime agricultural lands".

(a) Additional Information

Township of Drummond / North Elmsley – Memo from Ray Scissons and Paul Snider to Drummond / North Elmsley Council.

You may recall that the above severance applications came to Committee of the Whole on August 11, 2008.

After much consideration and investigation it was the staff opinion and recommendation that the applications were consistent with the Official Plan and Provincial Policy Statement. Land class shows Class 4 on Canada Land Inventory and application

complies with MDS. Base on staff recommendation, Council supported the applications and the Municipal Reply Form was sent to Lanark County Land Division. The public meeting was held and decision deferred pending clarification of land class and location of drain.

We understand Brian Dobbie supplied the applicant with a plan showing the drain location.

On Monday, September 29, 2008, Mr. Matheson came to our office with the attached information (previously provided to LDC) supplied to him by the Ontario Federation of Agriculture. Based on Step 2 on page 6, Mr. Matheson is requesting Council reconsider our support for this application.

This document is an excerpt from the Provincial Policy Statement of 1995.

Staff cannot recommend this proposed reconsideration as the 1995 PPS was rescinded and replaced by the 1997 PPS and again with the 2005 PPS. The policies shown as Step 2 were not carried forward to the later versions of the PPS.

Our Official Plan is consistent with the current PPS.

In consultation with our Planner, Doug Grant we were advised if Council were to reconsider this application based on Provincial Policy which no longer applies, the Township and County would be open to an expensive OMB appeal if the consents were denied based on this information.

Conservation Authority – no new comments were provided.

On-Site Services (Septics) – LGL Health Unit reviewed the revised applications:

B08/046 – no new comments

B08/047 - requires that the proposed septic system be set back a minimum of 20 metres from the municipal drain.

B08/048 – requires that the proposed septic system be set back a minim of 20 metres from the municipal drain.

Hydro One Networks – No new comments were received.

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

(b) **PLANNING REVIEW**

The Secretary contacted MMAH who discussed the issue of Prime Agricultural lands with Min Ag & Food. (John O'Neil) regarding the question on PPS vs OP designations.

Land Division Committee contracted J.L. Richards (Daphne Wretham) to undertake a review of the application and to provide a "Planning Report".

MEMORANDUM

Page 1 of 2

TO: Mary Kirkham mkirkham@county.lanark.on.ca DATE: October 17, 2008
Secretary, Land Division Committee
County of Lanark JOB NO.: 23264

FROM: Daphne E. Wretham, MCIP, RPP CC:

RE: Applications for Consent:
B08/046, B08/047 and B08/048

As requested, we have completed a review of the above-referenced files. Specifically, we have reviewed the files, the Official Plan and Zoning By-law, visited the site and reviewed the 2005 Provincial Policy Statement (2005 PPS). The following comments are offered with respect to these applications. These comments are specifically related to the policies of the 2005 PPS and whether the applications are consistent with the same.

The subject lands are designated Rural in the Official Plan of the Township of Drummond/North Elmsley. The Official Plan includes an agricultural designation which would have been reviewed by the relevant provincial agencies. It is, therefore, assumed that the Ministry of Agriculture and Food was satisfied that the designation included the appropriate prime agricultural areas of the Municipality. While the Official Plan was approved prior to the 2005 PPS, unless the Ministry of Agriculture and Food has identified additional areas of prime agricultural lands in the Township, then the designations of the approved Official Plan would continue to apply.

The definitions for prime agricultural area and prime agricultural land are included in the 2005 PPS. The most significant change in the policies for prime agricultural areas in the 2005 PPS was the elimination of residential severances except for surplus dwellings. The identification of prime agricultural areas still is done through the process of designating such lands in the Official Plan.

The Rural designation in the Drummond/North Elmsley Official Plan permits both agricultural uses and limited residential development, subject to meeting the Minimum Distance Separation formulae. These policies are consistent with the 2005 PPS policies for Rural Areas. The 2005 PPS does suggest that locally important agricultural areas be designated and protected from non-related development. This, however, would be a local matter which would properly be implemented through an amendment or an update to the Official Plan and would therefore not apply to the current applications. The 2005 PPS does not define limited residential development and it is understood that the Township has consistently determined that three new lots plus the retained lot constitutes limited residential development in the Rural Area. It is also noted that the applications were amended to respect the Minimum Distance Separation formulae, as required by the 2005 PPS.

It is, therefore, my opinion that the proposed severances are in accordance with the approved Official Plan and the 2005 PPS. It is understood that comments are being sought from the Ministries of Municipal Affairs and Housing and Agriculture and Food. If the Ministry of Agriculture and Food has prepared additional studies to identify prime agricultural lands affecting the subject lands, then the applications may have to be reconsidered in light of that new information.

If you have any questions regarding this Memorandum or if you require anything further with respect to these applications, please call me at 1-613-272-2169.

Prepared by:

J.L. RICHARDS & ASSOCIATES LIMITED



DEW

Daphne E. Wretham, MCIP, RPP

DEW:ks

Ontario Ministry of Agricultural Food & Rural Affairs – October 23, 2008

It is understood that an application has been submitted to the Township of Drummond-North Elmsley for the creation of a new lot. While OMAFRA does not typically comment on consent applications, the following can be provided.

The Information available indicates that the subject area is located within an area designated as Rural in the Official Plan. It should be noted that the Municipality has previously undertaken an exercise to identify Agricultural lands and as such has designated these areas accordingly, as appropriate.

Although objections to the proposed development have been brought forward with the position that the subject lands are good agricultural lands and should not be allowed to be severed, the land is not currently designated as Agricultural and as such, not subject to the lot creation policies of Section 2.3 of the PPS.

Notwithstanding the above, OMAFRA would like to indicate that although the lands are not designated as Agricultural, proposed development would still be subject to PPS policy 1.1.4.1c) (Minimum Distance Separation Formulae)

OMAFRA staff would like to point out that the Municipality is required to review their official plan every five years and would encourage any individuals with concerns about current designations to continue to communicate with their local planning staff if they believe a designation requires further investigation.

John O'Neill
Rural Planner
OMAFRA - Kemptville ON

(c) **PUBLIC INPUT**

Addition 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:

Art Matheson (October 9, 2008)

I am writing to add some information that I feel supports my position further that severance application File #B08/046, B08/047 and B08/048 should be rejected. In the Official Plan of Drummond / North Elmsley, Section 4 Land Use Policies subsection 4.3.1 Intent of Designation, it clearly states that the rural designation is to protect traditional rural activities such as agriculture and other permitted uses will be carefully controlled.

This is clearly a traditional farm area, the home farm I live on has been farmed by my family for five generations. I also rent several farms in the immediate area including on both sides of the Allan's property. The Allan's intended use is also agriculture. With the entire area being agriculture there is little discussion possible that subsection 4.3.1 doesn't apply.

In addition subsection 4.3.2.2 Land Designated Rural where development is proposed on predominately agricultural areas, Council should consider and apply policies of the Agriculture designation. Please see the attached and highlighted sections for reference.

Subsection 4.3.2.2 is written as if this circumstance was in mind. This is designated rural, agriculture does dominate, development is proposed. Council should have applied the policies of Agriculture designation.

To allow development on this small piece of class 4 land, that is surrounded by prime class 2 land and not recognize it as part of a prime agricultural area, will have a high negative impact on my farming operation. MDS constraints will restrict development and expansion of this family farm. Furthermore inevitable complaints, dogs running at large and trespassing will make farming increasingly difficult.

Your consideration to this matter is appreciated.

SECTION 4 LAND USE POLICIES

4.3 RURAL

4.3.1 Intent of Designation

The Rural designation is placed on all areas of the Township which have not otherwise been designated for a particular purpose under another land use designation. The Rural designation is intended to protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting. It is recognized that the majority of the Township's existing, as well as future, residential development will be located in the Rural designation. Other permitted uses will be carefully controlled in order to protect existing uses and the rural character of the Township, and to ensure that the Township's financial resources keep pace with development activity.

The permitted uses shall be in accordance with the following policies.

4.3.2 Agriculture

4.3.2.1 Agricultural uses are permitted in the Rural designation and, where such uses exist, any future development which takes place within the vicinity of an existing agricultural use shall comply with the Minimum Distance Separation formula in accordance with the policies of Section 3.3. As well, any new agricultural use or expansion of an existing agricultural use within the vicinity of existing non-agricultural uses shall also comply with the Minimum Distance Separation formula and shall be subject to the nutrient management policies of Section 3.3.

4.3.2.2 Where development is proposed on lands which are designated Rural and which are located in a predominantly agricultural area, Council should consider, and may apply, the policies of the Agriculture designation as set out in Section 4.4.

(d) MINUTES OF RECONVENED HEARING – October 27, 2008

Richard Allan, applicant and William Webster, agent for the applicant, were present and advised that they were still under oath.

Brian Hamilton, OFA Member Services Representative, was present and gave evidence under oath. Mr. Hamilton advised that he was participating in the hearing on behalf of the OFA.

M Kirkham, Secretary, advised that Mr. Matheson was unable to attend as he had recently been involved in a serious accident.

B Strachan, chair reviewed the new information received from J.L. Richards and the Ontario Ministry of Agriculture, Food and Rural Affairs.

(e) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the plan of survey delineates the location of the existing Municipal Tile Drain.
3. That the balance of any outstanding taxes shall be paid to the Township.
4. 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 Land Titles Office.
5. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
6. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, the wording of which shall include that no development, including the installation of septic systems for applications B08/047 and B08/048 shall be permitted within 20 metres of the Kehoe Tile Drain Branch, including any changes or amendments that may be required to the "Municipal Tile Drainage Maintenance Agreement".
7. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, the wording of which shall be satisfactory to the Township, to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all agreements of purchase and sale or lease shall include the clause that the property may be subject to the sights, sounds and smells of agriculture.

8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 to #7 have been fulfilled to their satisfaction.
10. A letter shall be received from the Mississippi Valley Conservation stating that condition #8 has been complied with.
11. A letter shall be received from the Leeds Grenville and Lanark District Health Unit advising that condition #6 has been complied with.

NOTES:

- *The LGL Health Unit advises that additional granular fill will be required in the proposed tile bed area.*
- *The Mississippi Valley Conservation advises that the applicant ensure that the foundation design of any future structures, in the area of marine clay, appropriately addresses their presence.*
- *Upon issuance of a building permit, the proposed location of dwellings shall conform to the MDS 1 calculation in respect to the barn located to the south of the site.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 21, 2008

Owner: Timothy & Linda Vallee

LDC File #: B08/094

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: Pt. 22 & 23 **Concession:** 12

Roll No. 0919 919 025 76801

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever two (2) residential lots – 2.9-ha and 2.6-ha and retain a 3.95-ha lot with an existing residential dwelling (#184 Crampton Road). The lots will be accessed by Crampton Road. The original parcel of land was created in 1976.

A licensed aggregate operation (Wilson Pit) is located to the West of Crampton Road; all three lots are located within the influence of the extractive operation. A Planning Report has been prepared by McIntosh Perry Consulting Engineers Ltd. (Dated Feb. 20, 2008) which outlines mitigative measures to minimize potential impacts between the existing aggregate operation and the proposed residential lots.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	9.45-ha 404 m 325 m Crampton Road	2.9-ha 120 m 325 m Crampton Rd	6.55-ha 284 m 325 m Crampton Road
Water Supply Sewage Disposal	None None	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural and Aggregate Resource Influence Area Sec. 3.18.3.2 Impact Study required prior to development		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Staff identified the following Provincial Interests:

Section 2.5 Mineral Aggregate Resources – Mineral Aggregate Operations shall be protected from development and activities that would preclude or hinder their expansion or continued use.

Future purchasers of the lot should be advised of the Aggregate Operation – Wilson Pit and that Site Plan Control and/or Rezoning be undertaken to provide mitigative measures and future site development to minimize potential impacts between the Aggregate Operation and residential development.

Official Plan – The Township of Drummond / North Elmsley advises that the proposal conforms with the designation and policies of the Official Plan.

An “Impact Study” was prepared as required under Section 3.18.3.2 of the Official Plan .

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

Note: Rezoning will be required to increase the front yard setback requirements for noise attenuation.

EXTERNAL CIRCULATION COMMENTS

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

1. That the balance of any outstanding taxes 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 is 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, The applicant shall consult directly with the Township Roads Superintendent in this regard.
4. That the property be rezoned to increase the front yard setback on the three new lots from 12.5 metres to 25 metres to meet the minimum setback for noise attenuation.
5. That the natural vegetation at the front of the new lots be retained to ensure a natural barrier for visibility and noise.
6. That the applicant prepares a site plan of the three new lots, to demonstrate compliance with the increased setbacks and the maintenance of the vegetation.
7. That the applicant place a clause on the title of each of the new lots, stating that the lots are within proximity of an existing aggregate pit operation, and that the occupants of the lot may be susceptible to noise, dust vibration and related impacts from time t time.
8. That the applicant establishes an easement across the subject lands for the purposes of a drainage outlet, to ensure that drainage from the existing Wilson Pit is not disturbed.

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

According to the information provided, the purpose of the subject application is to sever two vacant residential building lots – Lot #1 is 2.9 ha while Lot #2 is 2.6 ha. The retained lot is already developed and equals 3.95 ha in size.

PROPERTY CHARACTERISTICS

A review of available mapping as well as a site visit revealed that an altered, unnamed watercourse runs through a corner of the proposed retained lands and through the majority of the depth of the proposed Lot #2. In addition, a site visit revealed that a significant portion of Lot #2 consists of lowland vegetation typically found in poorly drained areas and may consist of organic soils. Concerning Lot #1, with the exception of a relatively small section of lowland area, no natural heritage features or natural hazards were identified.

REVIEW

Lot #1

Lot #1 consists of ample space to locate future structures outside of poorly drained areas.

Lot #2

While we suspect that an extensive amount of Lot #2 consists of poorly drained areas and possibly organic soils, we estimate that sufficient area exists on this lot to locate a building envelope outside of these areas.

Retained

The retained lot is already developed and no new development is proposed at this time.

With all of the above in consideration, MVC has no objection to the proposed severances provided the following mitigative measures are adhered to:

- 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.
- The poor drainage and unstable characteristics of organic soils makes them unsuitable for development. Therefore, with regard to site selection for future structures, development should be directed outside of areas containing organic soils.

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 Lands – Relatively flat mixture of treed and scrub land with no soil drainage problems. Drainage ditch exists along North side of lot. Sandy loam soil approximately 3 feet deep. Additional granular fill will be required in proposed tile bed area.

Retained Lands – Existing residential house serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 3 feet deep. Additional granular fill will be required in replacement tile bed area.

Hydro One Networks – No comments were received.

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

PUBLIC INPUT

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

MINUTES OF PUBLIC MEETING (September 22, 2008)

William Webster, agent for the applicant was present and gave evidence under oath.

Mr. Webster expressed concerns of having to go through the rezoning exercise for the setbacks, as the Wilson Pit will be closing in the near future.

Moved by C Tyson and seconded by D Murphy, THAT the hearing be deferred to October 27, 2008 meeting pending clarification on the future of the Wilson Pit.

(a) ADDITIONAL INFORMATION

As request McIntosh Perry Consulting Engineers Ltd provided the following information:
"This message will conform that our firm has been retained by Craig Wilson (Donald Wilson Cartage Limited) to prepare a redevelopment proposal for the property after the aggregate has been depleted in approximately 2-3 years time and the site rehabilitated pursuant to License No. 19852. A copy of the relevant portion of the Site Plan (Dwg. P764-01) is attached. I trust this information is sufficient to address the concerns of the Land Division Committee regarding the Vallee consent application."



REHABILITATION NOTES:

1. ALL DISTURBED AREAS WILL BE REHABILITATED.
2. THE INITIAL TOPSOIL WILL BE STRIPPED AND STORED SEPARATELY ON SITE. SUBSEQUENT STRIPPING OPERATIONS MAY ALLOW THESE MATERIALS TO BE USED TO RESTORE DEPLETED AREAS OF PIT IN A PROGRESSIVE MANNER.
3. ONCE THE RESOURCE HAS BEEN EXHAUSTED THE PIT FLOOR WILL BE RIPPED TO ALLEVIATE COMPACT OF SUBSOIL AND STOCKPILED TOPSOIL WILL THEN BE REPLACED AT THE LOWER ELEVATION. A STOIC PICKER MAY BE USED TO REMOVE OVERSIZE STONE FROM THE SITE AND THE DISTURBED AREA SEED
4. INITIAL SEEDING WILL CONSIST OF LEGUMES AS A COVER CROP TO RESTORE NITROGEN TO THE SOIL THE COVER CROP WILL THEN BE PLOUGHED DOWN AND A MORE PERMANENT COVER CROP PLANTED
5. ANNUAL REHABILITATION OF DISTURBED AREAS IS PROPOSED FOR THE SITE. THIS WILL RESULT IN RATHER SMALL DISTURBED AREAS BEING ACTIVE AT ANY TIME, MINIMIZING POTENTIAL IMPACTS.
6. REHABILITATION FINAL FACES WILL HAVE A MAXIMUM SLOPE OF 3:1 (HORIZONTAL TO VERTICAL).
7. A SATISFACTORY VEGETATIVE COVER WILL BE ESTABLISHED PRIOR TO THE SURRENDER OF THE WAY PERMIT. THE LAND SHALL BE RETURNED TO ITS RELATIVE PRE-OPERATIONAL STATE.
8. EXISTING DRAINAGE PATTERNS ON THE SITE ARE FROM NORTHWEST TO SOUTHEAST WITH SIGNIFICANT NATURAL FALL TO THE SOUTH OF THE SITE. THE PROPOSED SLOPE ON THE PIT FLOOR WILL REMAIN ABOVE THE WATER TABLE. SINCE THERE IS A SIGNIFICANT HYDRAULIC GRADE ACROSS THE SITE, SURFACE WATER WILL CONTINUE TO FLOW OVERLAND TO THE LOWER LAND SOUTH OF THE SITE, MAINTAINING EXISTING DRAINAGE PATTERNS AFTER FINAL REHABILITATION.

LANDOWNER:

DONALD WILSON CARTAGE LIMITED
c/o CRAIG WILSON
R.R. #2
CARLETON PLACE, ONTARIO
K7C 3P2

THIS SITE PLAN IS TO BE READ IN CONJUNCTION WITH THE SUMMARY AND TECHNICAL REPORT, PREPARED BY McINTOSH PERRY ENGINEERING LIMITED.

PERMIT AREA:

LICENCE AREA	26.3 ha.
SETBACK AREA	5.9 ha.
EXCAVATION AREA	20.4 ha.

(b) MINUTES OF RECONVENED HEARING – October 27, 2008

William Webster, agent for the applicant, was present and was advised that he was still under oath.

B Strachan, chair, presented the information submitted by McIntosh Perry Consulting Engineers regarding the future of the Wilson Pit.

(c) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township, The applicant shall consult directly with the Township Roads Superintendent in this regard.
5. That the applicant shall enter into a development agreement or site plan agreement with the Township, the terms of which are to be acceptable to the Township and Conservation Authority to implement appropriate mitigative measures to regarding the Natural Heritage Values outlined in the EIS prepared by Pinegrove Biotechnical dated December 27 2007, and by the Conservation Authority in their review dated Sept. 18, 2008.
6. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, the wording of which shall be satisfactory to the Township, to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all agreements of purchase and sale or lease shall include the clause on the title of each of the new lots, stating that the lots are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and elated impacts from time to time.
7. The applicant shall rezone the lands to increase the front yard setback on the severed lots and the retained lot from 12.5 metres to 25 metres to meeting the minimum setback requirement for noise attenuation.
8. That the applicant establish an easement on the lands to be severed and retained for the purpose of a drainage outlet, to ensure that drainage from the adjacent Wilson Pit is not disturbed and that this easement be registered on the title of the new lots and the retained lands.
9. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
10. A letter shall be received from the Township stating that conditions #2 to #8 have been fulfilled to their satisfaction.
11. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 and #9 have been fulfilled to their satisfaction.

Notes:

The LGL Health Unit advises that fill may be required in the proposed or replacement leaching bed area.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 21, 2008

Owner: Timothy & Linda Vallee

LDC File #: B08/095

Township: Drummond

Municipality: Drummond / North Elmsley

Lot: Pt. 22 & 23 **Concession:** 12

Roll No. 0919 919 025 76801

Type: New Lot

SUMMARY

The purpose and effect of the application is to sever two (2) residential lots – 2.9-ha and 2.6-ha and retain a 3.95-ha lot with an existing residential dwelling (#184 Crampton Road). The lots will be accessed by Crampton Road. The original parcel of land was created in 1976.

A licensed aggregate operation (Wilson Pit) is located to the West of Crampton Road; all three lots are located within the influence of the extractive operation. A Planning Report has been prepared by McIntosh Perry Consulting Engineers Ltd. (Dated Feb. 20, 2008) which outlines mitigative measures to minimize potential impacts between the existing aggregate operation and the proposed residential lots.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	6.55-ha 284 m 325 m Crampton Road	2.6-ha 100 m 325 m Crampton Rd	3.95-ha 184 m 325 m Crampton Road
Water Supply Sewage Disposal	None None	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural and Aggregate Resource Influence Area Sec. 3.18.3.2 Impact Study required prior to development		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Staff identified the following Provincial Interests:

Section 2.5 Mineral Aggregate Resources – Mineral Aggregate Operations shall be protected from development and activities that would preclude or hinder their expansion or continued use. Future purchasers of the lot should be advised of the Aggregate Operation – Wilson Pit and that Site Plan Control and/or Rezoning be undertaken to provide mitigative measures and future site development to minimize potential impacts between the Aggregate Operation and residential development.

Official Plan - The Township of Drummond / North Elmsley advises that the proposal conforms with the designation and policies of the Official Plan.

An “Impact Study” was prepared as required under Section 3.18.3.2 of the Official Plan .

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

Note: Rezoning will be required to increase the front yard setback requirements for noise attenuation.

EXTERNAL CIRCULATION COMMENTS

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

1. That the balance of any outstanding taxes 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 is 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 met the road widening requirements of the Township, The applicant shall consult directly with the Township Roads Superintendent in this regard.
4. That the property be rezoned to increase the front yard setback on the three new lots from 12.5 metres to 25 metres to meet the minimum setback for noise attenuation.
5. That the natural vegetation at the front of the new lots be retained to ensure a natural barrier for visibility and noise.
6. That the applicant prepares a site plan of the three new lots, to demonstrate compliance with the increased setbacks and the maintenance of the vegetation.
7. That the applicant place a clause on the title of each of the new lots, stating that the lots are within proximity of an existing aggregate pit operation, and that the occupants of the lot may be susceptible to noise, dust vibration and related impacts from time t time.
8. That the applicant establishes an easement across the subject lands for the purposes of a drainage outlet, to ensure that drainage from the existing Wilson Pit is not disturbed.

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

According to the information provided, the purpose of the subject application is to sever two vacant residential building lots – Lot #1 is 2.9 ha while Lot #2 is 2.6 ha. The retained lot is already developed and equals 3.95 ha in size.

PROPERTY CHARACTERISTICS

A review of available mapping as well as a site visit revealed that an altered, unnamed watercourse runs through a corner of the proposed retained lands and through the majority of the depth of the proposed Lot #2. In addition, a site visit revealed that a significant portion of Lot #2 consists of lowland vegetation typically found in poorly drained areas and may consist of organic soils. Concerning Lot #1, with the exception of a relatively small section of lowland area, no natural heritage features or natural hazards were identified.

REVIEW

Lot #1

Lot #1 consists of ample space to locate future structures outside of poorly drained areas.

Lot #2

While we suspect that an extensive amount of Lot #2 consists of poorly drained areas and possibly organic soils, we estimate that sufficient area exists on this lot to locate a building envelope outside of these areas.

Retained

The retained lot is already developed and no new development is proposed at this time.

With all of the above in consideration, MVC has no objection to the proposed severances provided the following mitigative measures are adhered to:

- 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.
- The poor drainage and unstable characteristics of organic soils makes them unsuitable for development. Therefore, with regard to site selection for future structures, development should be directed outside of areas containing organic soils.

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 Lands – Relatively flat treed covered land sloping from South to North. No soil drainage problems. Sandy loam soil 5 feet deep. Satisfactory.

Retained Lands – Existing residential house serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 3 feet deep. Additional granular fill will be required in replacement tile bed area.

Hydro One Networks – No comments were received.

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

PUBLIC INPUT

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

MINUTES OF PUBLIC MEETING

(September 22 2008)

William Webster, agent for the applicant was present and gave evidence under oath.

Mr. Webster expressed concerns of having to go through the rezoning exercise for the setbacks, as the Wilson Pit will be closing in the near future.

Moved by C Tyson and seconded by D Murphy, THAT the hearing be deferred to October 27, 2008 meeting pending clarification on the future of the Wilson Pit.

(a) ADDITIONAL INFORMATION

As request McIntosh Perry Consulting Engineers Ltd provided the following information: "This message will conform that our firm has been retained by Craig Wilson (Donald Wilson Cartage Limited) to prepare a redevelopment proposal for the property after the aggregate has been depleted in approximately 2-3 years time and the site rehabilitated pursuant to License No. 19852. A copy of the relevant portion of the Site Plan (Dwg. P764-01) is attached. I trust this information is sufficient to address the concerns of the Land Division Committee regarding the Vallee consent application."



REHABILITATION NOTES:

1. ALL DISTURBED AREAS WILL BE REHABILITATED.
2. THE INITIAL TOPSOIL WILL BE STRIPPED AND STORED SEPARATELY ON SITE. SUBSEQUENT STRIPPING OPERATIONS MAY ALLOW THESE MATERIALS TO BE USED TO RESTORE DEPLETED AREAS OF PIT IN A PROGRESSIVE MANNER.
3. ONCE THE RESOURCE HAS BEEN EXHAUSTED THE PIT FLOOR WILL BE RIPPED TO ALLEVIATE COMPACT OF SUBSOIL AND STOCKPILED TOPSOIL WILL THEN BE REPLACED AT THE LOWER ELEVATION. A STOIPICKER MAY BE USED TO REMOVE OVERSIZE STONE FROM THE SITE AND THE DISTURBED AREA SEED.
4. INITIAL SEEDING WILL CONSIST OF LEGUMES AS A COVER CROP TO RESTORE NITROGEN TO THE SOIL THE COVER CROP WILL THEN BE PLOUGHED DOWN AND A MORE PERMANENT COVER CROP PLANTED.
5. ANNUAL REHABILITATION OF DISTURBED AREAS IS PROPOSED FOR THE SITE. THIS WILL RESULT IN RATHER SMALL DISTURBED AREAS BEING ACTIVE AT ANY TIME, MINIMIZING POTENTIAL IMPACTS.
6. REHABILITATION FINAL FACES WILL HAVE A MAXIMUM SLOPE OF 3:1 (HORIZONTAL TO VERTICAL).
7. A SATISFACTORY VEGETATIVE COVER WILL BE ESTABLISHED PRIOR TO THE SURRENDER OF THE WAY PERMIT. THE LAND SHALL BE RETURNED TO ITS RELATIVE PRE-OPERATIONAL STATE.
8. EXISTING DRAINAGE PATTERNS ON THE SITE ARE FROM NORTHWEST TO SOUTHEAST WITH SIGNIFICANT NATURAL FALL TO THE SOUTH OF THE SITE. THE PROPOSED SLOPE ON THE PIT FLOOR WILL REMAIN ABOVE THE WATER TABLE. SINCE THERE IS A SIGNIFICANT HYDRAULIC GRADE ACROSS THE SITE, SURFACE WATER WILL CONTINUE TO FLOW OVERLAND TO THE LOWER LAND SOUTH OF THE SITE, MAINTAINING EXISTING DRAINAGE PATTERNS AFTER FINAL REHABILITATION.

LANDOWNER:

DONALD WILSON CARTAGE LIMITED
69 CRAIG WILSON
R.R. #2
CARLETON PLACE, ONTARIO
K7C 3P2

THIS SITE PLAN IS TO BE READ IN CONJUNCTION WITH THE SUMMARY AND TECHNICAL REPORT, PREPARED BY McINTOSH PERRY ENGINEERING LIMITED.

PERMIT AREA:

LICENCE AREA	26.3 ha.
SETBACK AREA	5.9 ha.
EXCAVATION AREA	20.4 ha.

(b) MINUTES OF RECONVENED HEARING – October 27, 2008

William Webster, agent for the applicant, was present and was advised that he was still under oath.

B Strachan, chair, presented the information submitted by McIntosh Perry Consulting Engineers regarding the future of the Wilson Pit.

(c) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the balance of any outstanding taxes shall be paid to the Township.
3. That the application 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.
4. Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township, The applicant shall consult directly with the Township Roads Superintendent in this regard.
5. That the applicant shall enter into a development agreement or site plan agreement with the Township, the terms of which are to be acceptable to the Township and Conservation Authority to implement appropriate mitigative measures to regarding the Natural Heritage Values outlined in the EIS prepared by Pinegrove Biotechnical dated December 27 2007, and by the Conservation Authority in their review dated Sept. 18, 2008.
6. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Drummond / North Elmsley, the wording of which shall be satisfactory to the Township, to be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all agreements of purchase and sale or lease shall include the clause on the title of

each of the new lots, stating that the lots are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time.

7. The applicant shall rezone the lands to increase the front yard setback on the severed lots and the retained lot from 12.5 metres to 25 metres to meeting the minimum setback requirement for noise attenuation.
8. That the applicant establish an easement on the lands to be severed and retained for the purpose of a drainage outlet, to ensure that drainage from the adjacent Wilson Pit is not disturbed and that this easement be registered on the title of the new lots and the retained lands.
9. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
10. A letter shall be received from the Township stating that conditions #2 to #8 have been fulfilled to their satisfaction.
11. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 and #9 have been fulfilled to their satisfaction.

Notes:

The LGL Health Unit advises that fill may be required in the proposed or replacement leaching bed area.