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The Land Division Committee met in regular session on Monday, August 10, 2015 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**CHAIR:** R. Strachan

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**1. CALL TO ORDER**

The meeting was called to order at 10:00 a.m.  
A quorum was present.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None

**3. APPROVAL OF MINUTES**

**MOTION #LD-2015-30**

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

**"THAT,** the minutes of the Land Division Committee meeting held on May 26, 2015 and June 8, 2015 be approved as circulated."

**ADOPTED**

**4. ADDITIONS AND APPROVAL OF AGENDA**

**MOTION #LD-2015-31**

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

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

**ADOPTED**

**5. DELEGATIONS & PRESENTATIONS**

None

**6. NEW APPLICATIONS**

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

**6.1 B14/088 and B14/089 – Donald Wilson Cartage Ltd. – 2 new lots**

Pt. Lot 21 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Drummond Con 12C.

**6.2 B15/017 and B15/018 – Charles Lucas and Daniel Lucas – 2 new lots**

**B15/019– Charles Lucas and Daniel Lucas – lot addition**

Pt. Lot 20 Conc. 9, Township of Beckwith.  
St. Fillans Road.

**6.3 B15/029 – James Bond and Linda Hughes-Bond – lot addition**

Pt. Lot 26 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Karen Lane.

**6.4 B15/045 – Incorporated Diocese of Ottawa – new lot**

Pt. Lot 19 Conc. 5, Township of Montague.  
Rosedale Road N.

**6.5 B15/046 – Harold Hogg and Garnet Hogg – new lot**

Pt. Lot 24/25 Conc. 9, geographic Township of Lanark, now in the Township of Lanark Highlands.  
9th Con B Lanark.

**6.6 B15/049 and B15/072 – Jonathan Ralph – lot addition and new lot**

Lot 104 and 105 Plan 6262, Town of Almonte, now in the Town of Mississippi Mills. Spring St.

- 6.7 **B15/047 – Ross Olmstead – new lot**  
Pt. Lot 19 Conc. 10, Township of Beckwith.  
St. Fillan’s Road.
- 6.8 **B15/053 – 980698 Ontario Inc. – new lot**  
W Pt. Lot 12 Conc. 11, geographic Township of  
Pakenham, now in the Town of Mississippi Mills.  
Waba Road.
- 6.9 **B15/054 – Anthony and Gayle Higgins – new lot**  
Pt. Lot 27 Conc. 11, Township of Beckwith.  
Ashton Station Road.
- 6.10 **B15/055 and B15/056 – Timothy Watson –  
two new lots**  
Pt. Lot 14 Conc. 6, geographic Township of Lanark, now  
in the Township of Lanark Highlands. Con 6C Lanark.
- 6.11 **B15/067 – Estate of Ella M Denyes – lot addition**  
Pt. Lot 21 Conc. 2, geographic Township of South  
Sherbrooke, now in Tay Valley Township.  
Christie Lake Lane 21.
- 6.12 **B15/087 – Robert S Stroud and Heather A  
McTavish – new lot**  
Lot 13 Plan 637, Town of Carleton Place. High Street.

**7. DEFERRED APPLICATIONS**

None

**8. CONFIDENTIAL REPORTS**

None

**9. COMMUNICATIONS/OTHER BUSINESS**

- 9.1 Hydrogeological Investigations – update on ‘Scoped Hydro-G Reporting’.  
The secretary-treasurer provided a ‘draft’ of the requirements for a ‘scoped’ hydrogeological evaluation that a working team has been developing over the past year. This project was undertaken in response to the Committees concerns regarding multiple lot development by way of consent. The working team involved in the project were M Kirkham, K Grenke (D/NE), B Stratton and C Milloy (RVCA) and M Craig

(MVCA).

Tracy Zander of ZanderPlan Inc. expressed her concerns with the proposed reporting requirements, that it was onerous and costly.

The committee advised that they will review the document, and provide comments at their next meeting.

9.2 Committee Member Expenses – ‘Members of Council and Committees/Boards of Council Expenses’ report – deferred to third quarter.

9.3 ZanderPlan Inc. – Caldwell B15/037 – review of OP lot policies – Mississippi Mills.

Tracy Zander of ZanderPlan Inc. provided committee with background information concerning a consent application that had gone through the pre-consultation process with the local municipality and subsequently formally circulated by Land Division. Ms. Zander noted that the Town has now advised that the proposal exceeds the number of consents allowed on the lands in accordance with the Official Plan, and that it will be denied. Ms. Zander also noted that the applicant has expended considerable funds getting to this point and that she disagrees with the Town’s interpretation of the OP Policy.

The committee expressed their empathy with the situation, and noted that the applicant has two options: 1/ to proceed, knowing that the application will be denied, however this would give the applicant an opportunity to appeal, or 2/ withdraw the application, and request consideration for a refund.

**10. PROVISIONAL CONSENT GRANTED**

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

7 - 21

10.1 **B14/088 and B14/089 – Donald Wilson Cartage Ltd. – 2 new lots**

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10.2 **B15/017 and B15/018 – Charles Lucas and Daniel Lucas – 2 new lots**  
**B15/019– Charles Lucas and Daniel Lucas – lot addition**

- 32 - 39            10.3 **B15/029 – James Bond and Linda Hughes-Bond – lot addition**
- 40 - 48            10.4 **B15/045 – Incorporated Diocese of Ottawa – new lot**
- 49 - 58            10.5 **B15/046 – Harold Hogg and Garnet Hogg – new lot**
- 59 - 69            10.6 **B15/047 – Ross Olmstead – new lot**
- 70 - 81            10.7 **B15/049 and B15/072 – Jonathan Ralph – lot addition and new lot**
- 82 - 93            10.8 **B15/053 – 980698 Ontario Inc. – new lot**
- 94 - 103           10.9 **B15/054 – Anthony and Gayle Higgins – new lot**
- 104 - 113          10.10 **B15/067 – Estate of Ella M Denyes – lot addition**
- 114 - 120          10.11 **B15/087 – Robert S Stroud and Heather A McTavish – new lot**

**11. PROVISIONAL CONSENT DEFERRED**

- 11.1 **B15/055 and B15/056 – Timothy Watson – two new lots**

**MOTION #LD-2015-32**

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

**"THAT** B15/055 and B15/056 – Watson, be deferred to allow the applicant time to determine what costs would be involved to provide assurances that adequate and potable water supply is available at the sites."

**CARRIED**

**12. UPCOMING MEETINGS AND NOTICES**

- 1. September 14, 2015 at 9:00 a.m.
- 2. September 16 to 18, 2015 – Ontario East Municipal Conference, Kingston

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

**13. ADJOURNMENT**

**MOTION #LD-2015-33**

**MOVED BY: D. Murphy**

**SECONDED BY: W. Guthrie**

**"THAT** the meeting do now adjourn at 12:45 p.m."

**ADOPTED**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Donald Wilson Cartage Ltd.

**Hearing Date:** August 10, 2015

**Agent:** N/A

**LDC File #:** B14/088 & B14/089

**Municipality:** Drummond/North Elmsley

**Geographic Township:** Drummond

**Lot:** 21

**Conc.:** 12

**Roll No.:** 0919 919 025 76100

**Consent Type:** New Lot

**Purpose and Effect:** To sever two residential building lots (0.405-ha each) and retain a 32.24-ha vacant landholding. The lands are accessed via Drummond Con 12C.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed B14/088</b>	<b>Lands to be Severed B14/089</b>	<b>Retained Lands</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential	Vacant Vacant
<b>Area</b>	0.405 ha	0.405 ha	63.9-ha
<b>Frontage</b>	45 m	45 m	65 m
<b>Depth</b>	90 m	90 m	1036 m
<b>Road - Access to</b>	Municipal Road	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed well	Proposed well	None
<b>Sewage Disposal</b>	Proposed septic	Proposed septic	None
<b>Zoning By-law Category</b>	Rural, wetlands	Rural, wetlands	Rural, wetlands, PSW
<b>-Area (minimum)</b>	0.4-ha	0.4-ha	10.0-ha – no dev. In PSW
<b>-Compliance?</b>	Yes	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m	45 m
<b>-Compliance?</b>	Yes	Yes	Yes

**Official Plan Designation:** Rural, PSW (ANSI) Significant wooded area, land adjacent to wetlands.

**Conformity:** Yes – however no development within PSW

## **(a) APPLICATION REVIEW**

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

### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

#### **1.1.5 Rural Lands in Municipalities**

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

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

### **1.6 Infrastructure and Public Service Facilities**

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

### **2.1 Natural Heritage**

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

### **2.2 Water**

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

Section 2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that



these features and their related hydrologic functions will be protected, improved or restored.

### **3.1 Natural Hazards**

Section 3.1.1 Development shall generally be directed to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- c) hazardous sites.

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, section 5.0 Natural Heritage, Section 7.0 Public health and Safety, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 3 General Provisions, section 3.110.2 Natural Hazards, Section 3.13 Natural Heritage, section 3.17 Waste Management, section 4.3 Rural, Section 4.6 Wetlands, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

**Zoning By-law** – Section 4 General Provisions, Section 7 Rural Zone, Section 24 Wetland Zone, Section 25 Environmental Protection Zone.

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

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

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

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

Thank you for circulating the Township of Drummond/North Elmsley on these applications.

Township staff and Council have reviewed the proposal with respect to conformity with the Township's Official Plan and Zoning By-law. We had previously reported on a related consent application (B 14/087), however consideration of applications B14/088 and 089 was deferred pending further environmental study given their location adjacent to certain natural heritage features. These applications seek approval for two residential lots, each about 0.4 ha (1 acre) in size which would be situated to the west of previously approved lot B] 4/087. The lots would be accessed from Drummond Concession 12C, which was recently extended by a different developer to service new residential lots on the other side. The retained lands abut a draft approved subdivision to the east (also owned by the applicant) and consist of rolling farmland sloping downwards to the Haley Lake Provincially Significant Wetland complex and ANSI to the west. If the three lots are approved as applied for, public road frontage on the retained lot would be limited to a 20 metre wide corridor and either a road extension or zoning relief would be required in order to address the deficient frontage. This corridor is considered wide enough

to accommodate future development on the retained lands.

The severed lands are designated Rural according to the Township's Official Plan (although it is noted that lands on the other side of Drummond Cone. 12C are designated part of the Innisville hamlet). The Rural designation accommodates a broad range of uses including limited residential development so long as it does not detract from the rural character. This area includes an already considerable amount of residential development, both within the hamlet to the south and also to the north and east and as such, this proposal would not change the character of the area. Of more particular concern in this case are the environmental constraints noted above, including the PSW and ANSI on the retained lands and their influence areas on the severed lands. To address this the applicant retained Hans von Rosen to undertake an environmental impact study in December 2014 that demonstrated that the severances would have no appreciable impacts on these natural heritage features provided that certain elements of habitat were retained.

A follow-up investigation in the spring for species at risk revealed none. As such this application is considered to comply with Official Plan requirements regarding natural heritage, provided that the EIS recommendations are implemented.

In terms of access, it is noted that the two proposed lots front on a portion of municipal roadway that was recently extended, at the developer's expense, to service new lots on the south side of the road allowance. When new roads are built or extended at private expense, one foot road reserves and maintenance agreements are often entered into between the developer and municipality so that if a future developer looks to benefit from the new infrastructure, they would reimburse the first developer part of the costs of the original construction. Such a provision would serve to the benefit of the first developer however it was not requested by him at that time and as such was never imposed in this location. In the initial review of this application, the first developer has approached the Township seeking compensation from Mr. Wilson regarding the road. While the Township would support the principle of a fair resolution between the two parties involved, without an agreement in place the Township is not recommending a retroactive compensation requirement as a municipal condition of any consent approval.

Zoning also needs to be considered in the evaluation of the application. The severed lands are zoned Rural and the minimum road frontage in that zone for new lots are 45 m (148 feet). While this is not an issue with the approval of the first lot (B14/087), the approval of three lots would result in a road frontage of only 20 m on the retained lands. In order to address this, several options were discussed between the applicant and staff including road extensions, removing a lot from the application or proceeding with the application as submitted, with an understanding that a site specific zoning amendment or minor variance would be required in order to recognize the reduced frontage on the retained lands. Mr. Wilson has opted to proceed with the third option, which results in the application before the Committee at this time. Staff reviewed this application and draft conditions with Council and advise that the Township is amenable to the option, provided that the appropriateness of the frontage reduction be considered by the Township through a variance or zoning amendment.

Given the foregoing and further to previous comments on Consent Application B14/087 the Township does not object to the approval of Consent Applications B14/088 and 089, subject to the inclusion of the following development conditions.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The Applicant shall obtain Civic Address Numbers from the Township of Drummond/North Elmsley for the severed lots. The applicant shall consult directly with the Township in this regard.
- 4) The applicant shall confirm that a residential entrance is viable from Drummond Concession 12 to the severed and retained lands. The applicant shall consult directly with the Township in this regard.
- 5) The applicant shall demonstrate that the proposed severed and retained lots meet all applicable provisions of the Township's Zoning By-law, particularly provisions relating to access and frontage. To meet this condition, the applicant shall obtain relief, as required, from the applicable provisions of the Zoning By-law. The applicant shall consult directly with the Township in this regard.
- 6) The applicant shall enter into a development agreement with the Township to implement the natural heritage recommendations contained in the reports of the Mississippi Valley Conservation Authority dated January 27, 2015 and the Environmental Impact Statement prepared by Hans von Rosen dated December 10, 2014.
- 7) Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
- 8) For westerly lot only, the Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:  
*"TAKE NOTICE that this lot is located within 250 metres of a Provincial Highway which is located to the south in part of Lots 21 and 22, Concession 11, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise."*

**Conservation Authority** – Mississippi Valley Conservation Authority

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted applications to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the

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

#### PROPOSAL

According to the information provided, the purpose of the subject applications is to sever (2) vacant building lots measuring 0.405 ha each and (1) developed lot measuring 0.57 ha. The retained land is vacant and measures 60.73 ha.

#### PROPERTY CHARACTERISTICS

A review of available GIS mapping and Drape Imagery revealed that the approximate western half of the proposed retained land is comprised of a Provincially Significant Wetland (PSW) referred to as the Stewart Lake-Haley Lake Complex. This area has also been classified as an Area of Natural and Scientific Interest (ANSI) referred to as the Innisville Wetlands, which has been classified as a Life Science ANSI. We have estimated that the 120 m adjacent lands to the PSW extend into the western half of severed lands B14/089. We have also estimated that the 120 m adjacent lands to the ANSI occupy the entire area of Severances B14/089 and B14/088, and a portion of B14/087. In addition, three unnamed watercourses are identified on GIS mapping on the retained land; one in the northwest corner, one across the central portion, and one in the southeast corner, all through the PSW.

#### REVIEW

##### Natural Heritage Features

##### ANSI & PSW

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development and site alterations, including the creation of new lots, within 120 m of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. These guidelines also suggest an evaluation for development within 120 m (increased from 50 m in the year 2010) for a Life Science ANSI, such as the subject ANSI. In order to address this requirement, an Environmental Impact Statement (EIS) was provided by Pinegrove Biotechnical, dated December 10, 2014, on behalf of the applicant. We note that the EIS did not address the retained lands.

In summary, the EIS concluded that “. . .the proposed severances, if subject to constraints described in this report, will not harmfully impact Natural Heritage Values.” Suggested mitigative measures are outlined below. MVCA's Biologist has reviewed the EIS and concurs with the conclusion and recommendations for the severed lands. However, we note a discrepancy between the EIS and MVCA findings with respect to the extent of the ANSI and its adjacent lands. The EIS indicates that the ANSI adjacent lands only extend into B14/089; however, according to MVCA estimates, the adjacent lands extend entirely into B14/089, B 14/088 and a portion of B14/087. Our review findings are not affected by this discrepancy.

Concerning the retained lands, sufficient area exists for potential future development beyond the 120 m adjacent lands of both the ANSI and PSW. Therefore, it is our opinion that there would be limited value in conducting an EIS at this time to assess this land. However, we recommend that access to the retained land be directed to the east of Severance B14/087 in order to avoid interference with the ANSI and PSW, or their adjacent lands, which are located to the west of B14/089. Notwithstanding, if development and/or access are proposed within or adjacent to these features, an assessment through an EIS would be recommended at that time.

#### Watercourse

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the PPS, a minimum 30 m development setback is recommended from any watercourse. Sufficient area appears to exist on the retained lands for future development that complies with the recommended setbacks from the three identified watercourses.

#### CONCLUSION AND RECOMMENDATION

MVCA does not have any objections to the proposed severances provided the following mitigative measures are adhered to:

##### As per the EIS on Severance B14/089:

1. Build an artificial incubation site for Blanding's Turtle and Snapping Turtle.
2. Retain large over-mature hardwoods in the fence rows for Flying Squirrel
3. Retain milkweed for Monarch Butterflies
4. Retain old bush piles for Milk Snake habitat
5. Potential additional mitigation pending Bobolink and Meadowlark survey

##### MVCA Recommendations for the Retained Lands:

1. Future development, including a septic system and driveway shall be setback a minimum of 30 m from any watercourse.
2. Future development, including a septic system and driveway shall be located outside the boundaries of the ANSI, PSW, and their 120 m adjacent lands, unless supported by an EIS to the satisfaction of MVCA.
3. The shoreline vegetation surrounding the watercourses shall be retained to a minimum depth of 15 m.
4. Natural drainage patterns on the site shall not be substantially altered such that the volume of run-off towards the PSW is modified.
5. Removal of terrestrial vegetation shall be kept to the minimum required in order to develop the site (building envelope, septic, and access road) while maintaining as many trees as possible.
6. A maximum of 10% of the site, between 30m and 120m of the PSW, shall be disturbed.
7. Following construction, disturbed areas shall be revegetated with native plant species. Use of invasive non-native plant material is discouraged.
8. During Site Construction:
  - Natural areas to be retained shall be isolated by sturdy construction fencing or similar barrier at least 1m in height during construction.
  - Construction equipment shall remain within the areas of active construction and not cross the sediment control measures.

- Woody vegetation shall not be removed between May 15th and July 10th unless a breeding bird survey is conducted.
- Erosion and sediment control measures shall remain in place for the duration of construction and until the site is re-vegetated. They shall be monitored and maintained in good condition until exposed soils are stabilized. Follow MTO OPSD standards for appropriate control methods and designs.
- Should any species at risk be discovered and/or should any species at risk or their habitat be potentially impacted by on site activities, the MNRF should be contacted immediately and activities should be modified to avoid impacts until further direction is provided by MNRF.

#### NOTES

In the event that development and/or access are proposed within or adjacent to the ANSI or PSW on the retained lands, an assessment through an EIS will be recommended to evaluate potential impacts to these features.

The applicant should be advised that a portion of the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the shoreline of the watercourses, and prior to any development or interference within 120 m of the PSW on Severance B14/089 and the retained lands.

We advise consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfompo.gc.ca](mailto:fisheriesprotection@dfompo.gc.ca) prior to conducting any work within unnamed watercourses, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

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

Severed B14/088 – Approximately a 4050 metre squared (1 acre) vacant parcel of land consisting of rolling landscape and bushland. Fill may be required to construct a septic system (tile bed).

Severed B14/088 – Approximately a 4050 metre squared vacant parcel of land consisting of rolling landscape and bushland. Some areas may be subject to seasonal wetness. Fill may be required to construct a septic system (tile bed).

Retained – Approximately a 64.3 hectare vacant parcel of land consisting of rolling hills of agricultural fields and bushland. Slope, soil depth and drainage vary. No proposed development on property. In future, if septic system is constructed, fill may be required.

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

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

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

We have no concerns or objection to the proposed severance.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever two (2) 0.405-ha residential building lots and retain a 63.9-ha vacant landholding. Both lots are currently vacant. One previous severance was taken from this lot through application B14/087.

The original submission consisted of three (3) concurrent consent applications, B14/088 and B14/089 were held over to allow the applicant time to resolve road frontage requirements. As well, additional work is required on the EIS to address the PSW, ANSI and Natural Heritage Features on the retained lands.

The subject lands are located in an area characterized by rural residential to the east and wetland to the west (Stewart Lake- Haley Lake PSW) – the area to the west has also been designated as an ANSI. The settlement area of Innisville is located to the south and a newly created rural residential subdivision is located to the north east. Highway 67, a Provincial Highway is located approximately 250 m to the south east.

Due to the proximity of the PSW and ANSI, the applicant was required to submit and EIS. The EIS was prepared by Pinegrove Biotechnical and reviewed by the Conservation Authority. The MVCA and MNR requested that additional investigation be undertaken and an addendum to the EIS was provided June 4, 2015 for an assessment on the presence or absence of grassland birds, namely Eastern Meadowlark and Bobolink. The EIS addendum concluded that the residential development was not expected to harmfully impact these species.

The lands are accessed via Drummond Con 12C, a newly created municipally maintained road.

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 2 – moderate limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – flows, tuffs, breccias

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there are no Threatened (THR) and/or Endangered (END) species on the site or in proximity to it. The EIS does, however list habitat of Species of Special Concern, which can be addressed through mitigation measures.

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

2. Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

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

- 3 Woodlands

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

#### Zoning

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

#### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is



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

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

**(e) MINUTES – August 10, 2015**

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.

**B14/088**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are located within 250 metres of a Provincial Highway which is located to the south in part of Lots 21 and 22 Concession 11 geographic Township of Drummond and that the occupants of the lot may be exposed to impacts typically associated with such use including noise".
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. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.

8. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The applicant is advised that development constraints apply to the retained lands. Prior to any development (including the installation of a septic system), the applicant shall consult with the Mississippi Valley Conservation Authority.*
3. *The applicant is advised that a portion of the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the shoreline of the watercourses, and prior to any development or interference within 120 m of the PSW on the retained lands.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

**B14/089**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall demonstrate that the proposed severed and retained lots meet all applicable provisions of the Township's Zoning By-law, particularly provisions relating to access and frontage. To meet this condition, the applicant shall obtain relief, as required, from the applicable provisions of the Zoning By-law. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
6. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of January 27, 2015 and the Environmental Impact Statement prepared by Pinegrove Biotechnical dated December 10, 2014, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to

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

10. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of January 27, 2015, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
11. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #10 has been fulfilled to their satisfaction.

#### **NOTES**

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The applicant is advised that development constraints apply to the retained lands. Prior to any development (including the installation of a septic system), the applicant shall consult with the Mississippi Valley Conservation Authority.*
3. *The applicant is advised that a portion of the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the shoreline of the watercourses, and prior to any development or interference within 120 m of the PSW on the severed and retained lands.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

*It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT – CONCURRENT APPLICATIONS**

**Owner:** Charles G. Lucas & Daniel E. Lucas      **Hearing Date:** August 10, 2015  
**Agent:** Daniel E. Lucas      **LDC File #:** B15/017, 18 & 19  
**Municipality:** Township of Beckwith  
**Geographic Township:** Beckwith      **Lot:** 20      **Conc.:** 9  
**Roll No.:** 0924 000 035 27000      **Consent Type:** New Lots and Lot Addition

**Purpose and Effect:**

**B15/017 and B15/018** - To sever two (2) residential building lots (3.46-ha and 2.21-ha) and retain a 2.21-ha residential building lot. The lands are accessed via St. Fillan’s Road.

**B15/019** - To sever a 0.03-ha parcel of land as a lot addition to lands owned by Charles G Lucas and Daniel E Lucas described as Part 4 on Plan 27R-1703 and retain a 0.92-ha residential lot at 2647 Cemetery Sideroad.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed B15/017</b>	<b>Lands Retained B15/018</b>	<b>Lands retained</b>
<b>Existing Use</b>	Bush Lot Residential	Bush Lot Residential	Bush Lot Residential
<b>Proposed Use</b>	Bush Lot Residential	Bush Lot Residential	Bush Lot Residential
<b>Area</b>	3.46 ha	2.21 ha	2.21 ha
<b>Frontage</b>	45 m	45 m	40 m
<b>Depth</b>	485.03 m	485.03 m	485.03 m
<b>Road - Access to</b>	Municipal Road	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed Well	Proposed Well	Proposed Well
<b>Sewage Disposal</b>	Private Septic	Private Septic	Private Septic
<b>Zoning By-law Category</b>	Rural	Rural	Rural
<b>-Area (minimum)</b>	0.4-ha	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m	45 m
<b>-Compliance?</b>	Yes	Yes	No – lot addition required

**Official Plan Designation:** Rural and Special Service Area

**Conformity:** Yes

DETAILS OF PROPOSAL	Lands to be Severed B15/019	Lands Retained
Existing Use Proposed Use	Vacant Lot addition	Residential Residential
Area Frontage Depth Road - Access to	0.03 ha 5 m 113 m Municipal Road	0.92-ha 58 m 113 m Municipal Road
Water Supply Sewage Disposal	Proposed well Proposed septic	Private Well Septic System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural n/a – lot addition	Rural 0.4-ha Yes 45 m Yes

**Official Plan Designation:** Rural and Special Service Area

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns**

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs.

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

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

**1.1.5 Rural Lands in Municipalities**

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

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

## **1.6 Infrastructure and Public Service Facilities**

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

## **2.1 Natural Heritage**

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

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

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

**Local Official Plan** - Section 4 General Provisions, Section 5 Community Development Areas, Section 6 Rural Areas, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

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

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

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

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

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

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

##### **DESCRIPTION OF APPLICATION**

The applicant proposes to submit three severance applications to create three new parcels of land along St. Fillan's Road, along the northern portion of Queen's Way West. The applicant had submitted the same three severance applications in 2003, but the applications lapsed prior to being completed; the Township of Beckwith supported the applications.

##### **DESCRIPTION OF SUBJECT LANDS**

The lands consist of approximately 19 acres of land with 130m of frontage along St Fillan's Road. A lot addition application has been proposed to convey an additional 5m of frontage to the parcel of land. This lot addition will provide the necessary



frontage to create two new lots and a retained lot with 45m of frontage on St Fillian's Road.

The lands are opposite the cemetery and are heavily treed. The lands are surrounded by residential development.

#### PROVINCIAL POLICY STATEMENT

Section 1.1.3 regards development within settlement areas in municipalities. These policies generally encourage municipalities to promote intensification and more efficient use of land. The proposed severance would intensify development in an existing area, however, does not conform to the Township's infill severance policies.

Section 1.6.6 regards servicing. The proposed development would be serviced by private well and septic system. The local Health Unit is circulated on severance applications and will complete an inspection of the site to determine if the proposed lot contains an envelope suitable for a septic system. The rear portion of the proposed lots would be located within the special service area boundary and would be required to participate within the water monitoring program. The previous severance applications in 2003 required a zoning by-law amendment to ensure that all development associated with these lots occurred within the first 100m, closest to St Fillian's Road; this would ensure that future development occurs beyond the water monitoring boundary.

#### OFFICIAL PLAN

The lands are designed Rural, while the abutting lands are designated Residential. Section 4.5 of the Official Plan regards land division. These policies outline how many times a property can be severed and outline the situations in which the Township will permit infill severances. As the property is not located within a settlement area, the property does not qualify to provide an infill severance.

As the property has been severed several times in the past, the property would not typically qualify to provide an additional severance. However, Council has elected to support the proposed severances given that the Township previously supported the severances in 2003.

#### ZONING BY-LAW

The subject lands are zoned Rural and Rural - Special Service Area. Minimum lot sizes within this area are 1 acre with 45m frontage. The subject property appears to have 130m of frontage along St Fillian's Road, which is 5m short to provide 45m to each of the three proposed severances. To resolve this issue, the property owner has submitted a concurrent lot addition application to provide an additional 5m to the subject property, which would provide sufficient frontage for parcels involved.

The severance applications in 2003 required a zoning by-law amendment as a condition. The purpose of this amendment was to require all future development on these lands to be within the first 100m of the property, being the lands closest to St Fillian's Road. This would ensure that all development was beyond the water monitoring area boundary.

## OPTIONS I ANALYSIS

The Committee and Council have already reviewed this proposal and elected to provide support, based on the applications in 2003.

## RECOMMENDATION

In light of the above information, Staff forwards the following recommendations for consideration of the Committee.

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

1. A zoning by-law amendment shall be obtained requiring the construction of any dwelling and services to be located within 100 metres of St. Fillian's Road and beyond the boundary of the Special Service Area, being the implementation boundary of the Beckwith Water Monitoring Program.
2. That the applicant consult with the Township's Public Work's Superintendent to review potential entrance locations for the proposed severances, as per the direction from Ministry of Transportation;
3. That the applicant provides the Township with a paper copy of the reference plan;
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;

### Advisory Note:

1. That all buildings and structures be constructed in accordance with the Ontario Building Code and all other applicable by-laws.

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

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

## PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (2) vacant lots- Lot #1 measures 3.46 ha and Lot #2 measures 2.21 ha (including a lot addition with concurrent application B15/019), while the retained land measures 2.21 ha. The retained land is also vacant.

## PROPERTY CHARACTERISTICS

According to a review of GIS mapping, an unclassified wetland exists in the southern portion of Lot #2 and extends into the Lot #1. A portion of two other unclassified wetlands appear in the central and northern sections of the retained lands. However, upon further examination of aerial photography, these mapped

areas, as shown on GIS, do not appear as distinct wetlands features on aerial photography (given the snow cover, we have deferred to the use of aerial photography to assess the presence of these wetlands).

#### RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objection to the subject applications.

#### NOTES

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

If wetlands are encountered during any future development on the subject property, development should be directed a minimum of 30 m from the boundary of these features. In addition, shoreline vegetation should be retained to a minimum depth of 15 m.

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

Severed B15/017 – A 3.46 hectare bush lot. Land is relatively flat with an abundance of trees. Soil depth and drainage varies. There are no existing buildings. Additional sandy loam fill will be required in the area of the future leaching bed.

Severed B15/018 - A 2.21 hectare parcel of vacant land. The property has an abundance of trees. Soil depth and drainage can vary.

Retained - Additional sandy loam fill will be required in the area of the future leaching bed.

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

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

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

#### (c) **PUBLIC INPUT**

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

#### (d) **PLANNING REVIEW**

##### **Background and Summary**

The applicant proposes to sever two residential building lots (3.46-ha and 2.2-ha) and retain a 2.2-ha residential building lot. All lots are currently vacant.

The concurrent application, B15/019 is to sever a triangular piece of land with 5 metres road frontage and 113 metres in length. The retained land for this application front onto Cemetery Side Road and will maintain the minimum frontage and area requirements.

The Township's zoning by-law requires a minimum road frontage of 45 m. The retained lot will only have 40 m, therefore rather than apply for a re-zoning or minor variance; the applicant has submitted a concurrent application for a lot addition to

the retained lands from abutting lands owned by the same owner.

The subject lands are located in an area characterized by typical estate lot residential in a rural setting. The lands surrounding were developed by plans of subdivision approved between 1984 and 1993. The effect of the lot creation is 'infill', a process recommended by the PPS.

As noted by Township Planner, these applications are a resubmission of application in 2003 which were allowed lapsed as the condition for re-zoning was not completed.

The lands are accessed via St. Fillan's Road, a municipally maintained road.

#### Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.  
  
Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
3. Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Beckwith.

### Zoning

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

### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

(e) **MINUTES – August 10, 2015**

Daniel Lucas, owner attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

**The same conditions to apply to both lots B15/017 and B15/018.**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division

Committee with a digital copy of the registered reference plan.

3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall obtain a zoning by-law amendment requiring the construction of any dwelling and services to be located within 100 metres of St. Fillian's Road and beyond the boundary of the Special Service Area, being the implementation boundary of the Beckwith Water Monitoring Program.
6. The applicant consult with the Township's Public Work's Superintendent to review potential entrance locations for the proposed severances, as per the direction from Ministry of Transportation. The applicant shall consult directly with the Township of Beckwith in this regard.
7. A letter shall be received from the Township of Beckwith stating that condition #3 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future leaching bed.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-law.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

**B15/019**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed land shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Charles George Lucas and Daniel Edward Lucas described as Part 4, Plan 27R-1783, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Beckwith stating that condition #4 and 5 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** James Bond & Linda Hughes-Bond      **Hearing Date:** August 10, 2015  
**Agent:** James Bond      **LDC File #:** B15/029  
**Municipality:** Township of Drummond/North Elmsley  
**Geographic Township:** B15/029      **Lot:** 26      **Conc.:** 9  
**Roll No.:** 0919 908 020 44301      **Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 557.1 sq.m. parcel of land as a lot addition to lands owned by James Milton Bond at Pt Lot 26 Conc. 9 North Elmsley – Plan 27R-45 Part 31 and retain a 0.284-ha residential lot at 150 Karen Lane.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Addition to Building Lot	Residential
<b>Area</b>	557.1 sq. m.	0.284 ha
<b>Frontage</b>	12.192 m	36.62 m
<b>Depth</b>	45.72 m	45.72 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed well	Private well
<b>Sewage Disposal</b>	Proposed Septic	Private Septic
<b>Zoning By-law Category</b>	Residential -4	Residential – 4
<b>-Area (minimum)</b>		0.13-ha
<b>-Compliance?</b>	n/a lot addition	Yes
<b>-Frontage (minimum)</b>		27 m
<b>-Compliance?</b>		Yes

**Official Plan Designation:** Rural

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

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



Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

#### **1.1.5 Rural Lands in Municipalities**

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

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

#### **1.6 Infrastructure and Public Service Facilities**

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

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

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

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

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

**Zoning By-law** – Section 4 General Provisions, Section 8 Residential Special Exception 4.

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

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

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

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

Thank you for circulating the Township of Drummond/North Elmsley on this application.

Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the applicant seeks permission to sever a 557 m<sup>2</sup> parcel of land from a developed lot (150 Karen Lane) and add it as a lot addition to a neighbouring vacant lot owned by Mr. Bond's

professional corporation. The retained lot with the dwelling would be reduced in size to 0.284 ha (0.7 acres) and the recipient lot would increase in size to about 0.193 ha (0.48 acres). It is understood that this vacant lot may be intended for residential development at some point and additionally the Health Unit was circulated and has no concerns regarding the existing septic system on the retained lot. At the same time as the consent, the Bonds have also submitted a request to the Township to close and convey to them a 723 square foot portion of the Karen Lane road allowance abutting these lots. This allowance was originally part of a traffic circle reserve that was made surplus when Karen Lane was extended some years later and the approval of this request would increase the size of the resultant lots accordingly. At this time, Township Council has endorsed the road closure in principle however the by-law has not yet been passed.

The severed, retained and enlarged parcels are all within the Rural designation according to the Township's Official Plan and zoned Residential-Special Exception 4, which allows for some reduced lot and yard requirements that recognizes the existing higher density built pattern of the area. While a significant woodland overlay covers portions of the affected properties, the application does not seek to enable new development, nor create a new lot. As such, this proposal does not impact that policy nor any other applicable Official Plan policies related to development or lot creation.

While the proposed retained lot will be smaller and with less road frontage than normally permitted on a privately serviced lot in the Township, the proposal appears to comply with the established R-4 zoning and as such no zoning relief would be required. The vacant lot will be enlarged beyond the R-4 minimum standards which will allow greater flexibility for future dwelling and septic system placement and design.

With the above in mind, the Township recommends that the Land Division Committee consider approval, subject to the inclusion of the following development conditions.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The severed lands shall be for a lot addition only to adjacent lands as identified in the Application.
- 3) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office. This survey shall demonstrate to the satisfaction of the Township that the proposal conforms to all provisions of the Township's Zoning By-law for the retained and enlarged lands. If conformity is not demonstrated, then appropriate relief shall be granted.
- 4) The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley for the lands to be enlarged. The applicant shall consult directly with the Township in this regard.
- 5) Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for

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

**Conservation Authority** – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act.

The application seeks approval for a lot addition from an existing developed lot to an adjacent existing vacant lot.

**The Property**

As per our mapping, there are no watercourses or wetland areas affecting the properties concerned.

**Review Comments and Recommendations**

The Rideau Valley Conservation Authority has no objection to this application as there are no natural heritage or natural hazards features affected by the proposal.

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

Severed – A 0.55 hectare lot size. This parcel is a vacant wooded parcel of land that is to be an addition to an existing lot only. Addition to an existing lot only.

Retained – A 0.284 hectare (0.7 acre) with an existing house serviced by a sewage system and drilled well. Land is open manicured lawn and wooded lands. Additional sandy loam fill will be required in the area of the future replacement leaching bed.

**(c) PUBLIC INPUT**

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

**David and Wendy Kirkwright**

I regards to your letter of 14<sup>th</sup> May 2015, application for consent, please be advised we have no objections to Mr. James Bond and Linda Hughes-Bond's application as stated in File #B15/029.

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 557.42 sq.m. parcel of land as a lot addition to lands owned by James Milton Bond and described as Pt Lot 26 Conc 9, Part 31 on Plan 27R-45 and retain a 0.284-ha residential lot with an existing dwelling located at 150 Karen Lane.

The lot to be enlarged is currently 1,376 sq.m. - the lot addition will increase the size to 1,453 sq.m.

The subject lands are located in an area characterized by typical estate lot subdivision which was created in approximately 1986. A large landholding is located to the north and rural residential development is located to the south and south-east.

The lands are accessed via Karen Lane, a municipally maintained road.

#### Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records does not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

2. Drummond / North Elmsley Official Plan Polices for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

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

- 3 Woodlands

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

#### Zoning

The subject property is currently within the residential section of the Zoning By-law,

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

#### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

**(e) MINUTES – August 10, 2015**

Jim Bond, owner attended the hearing and gave evidence by affirmation.

Mr. Bond advised that there are 2 cul-de-sac's shown on this plan as there was an extension to the original subdivision plan, and that the previous cul-de-sac was not closed by the Township. Mr. Bond also advised that he had spoken to the landowner on the south side of this cul-de-sac and they are aware that they can also approach the Township to have the turn-around closed.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by James Milton Bond described as Part 31, Plan 27R-45, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office. The reference plan shall demonstrate to the satisfaction of the Township of Drummond / North Elmsley that the proposal conforms to all provisions of the Township's Zoning By-law for the retained and lands to be enlarged. If conformity is not demonstrated, then appropriate relief shall be obtained.
7. The applicant shall confirm that a residential entrance to the lot to be enlarged is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley for the lot to be enlarged. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #9 has been fulfilled to their satisfaction.

**NOTES:**

1. Endangered Species Act, 2007, and Species at Risk in Ontario Background  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits*

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** The Incorporated Diocese of Ottawa  
(St. Bede's Anglican Church)

**Hearing Date:** August 10, 2015

**Agent:** Paul T. Howard

**LDC File #:** B15/045

**Municipality:** Township of Montague

**Geographic Township:** N/A

**Lot:** 19

**Conc.:** 5

**Roll No.:** 0901 000 020 40315

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 1.18-ha residential building lot and retain a 2.65-ha lot with an existing church and church hall located at 1641 Rosedale Road North. Re-submission of previous application that lapsed.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Church & Cemetery Church & Cemetery
<b>Area</b>	1.18 ha	2.65 ha
<b>Frontage</b>	46 m	103.02 m
<b>Depth</b>	256.77 m	256.77 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed well	Private well
<b>Sewage Disposal</b>	Proposed septic	Private septic
<b>Zoning By-law Category</b>	Rural Spec Exception	Rural Spec Exception
<b>-Area (minimum)</b>	0.4-ha	2.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	46 m	46 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Hamlet (Settlement Area)

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns**

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons),



employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs.

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

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

## **1.6 Infrastructure and Public Service Facilities**

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

## **2.1 Natural Heritage**

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

## **2.2 Water**

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

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

## **3.1 Natural Hazards**

Section 3.1.1 Development shall generally be directed to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- c) hazardous sites.

**County Official Plan** – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 General Development Policies, Section 2/21 Natural Heritage features, section 3.5 Natural Hazard, Section 3.7 Settlement Area, Section 4.4 Township Roads, Section 5.2 Land Division.

The Township of Montague advises that the proposal conforms to the designations and policies of the official plan.

**Zoning By-law** - Section 3 General Provisions, section 18 – Special exception 117 . The lands have been rezoned from Institutional to Rural exception to provide for a residential dwelling and to require a 30 m setback from the Rosedale Creek. The Township of Montague advises that the proposal complies with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

Thank you for circulating the Township of Montague on this consent application. Staff have reviewed this application in terms of compliance with the Township's Official Plan and Zoning By-law and note that the applicant proposes the severance of a 1.18 hectare building lot from the 3.83 ha the St. Bede's Church property, while retaining the church, attached half and cemetery. It is understood that this application is a resubmission of a previous consent (B13/052) which was provisionally approved however lapsed.

Township staff commented on the previous application on July 29, 2013, noting that the property is located within the Nolan's Corners Settlement Area (as defined in the Official Plan) and this proposal essentially infills that existing built area, which is supported in policy. In the review however some natural constraints to development were identified on the Official Plan mapping, including significant woodland and significant wildlife habitat and to address these, an environmental impact study was requested by staff. This study was completed by Hans Von Rosen in October 2013 and advised that the proposed development would not have a negative impact on natural heritage features provided that certain mitigative conditions were implemented, including a development setback from the Rosedale Creek. It was also noted in the original review that the entire St. Bede's property was zoned Institutional to accommodate the church and ancillary uses and as such, a rezoning to allow a residential use was made a condition of the 2013 approval. In order to fulfil that condition, the property was rezoned to Rural-Special Exception 117 on January 21, 2014 (with the exception accommodating the setback from the stream). The new application conforms to the new zoning on the lot.

The Township's 2013 report supported the consent application in principle, provided that the environmental and zoning issues referenced above were addressed. Through that process, those issues were resolved to the satisfaction of the municipality and since this application is an exact resubmission of the first one, the previous comments and recommendation will continue to apply. As such, the Township recommends that the Land Division Committee considers approval of Consent B 15/045 subject to the following conditions.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The Applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
- The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

**Conservation Authority** – Rideau Valley Conservation Authority

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

**PROPOSAL**

The proposal is to sever a 1.18 hectare residential lot from the existing 3.83 hectare parcel. This application is the same as the approved consent application (B 13/052) which has lapsed.

**PROPERTY CHARACTERISTICS**

The severed and retained parcels are well vegetated with trees throughout with some cleared areas fronting on Rosedale Road. Rosedale Creek has been identified running north to south on the severed and retained parcels. The treed portions of the property on the severed and retained parcels have been identified as Significant Woodland in the Townships Official Plan.

**REVIEW**

**Natural Hazards**

A slope associated with Rosedale Creek is present on the property. Therefore it is important that any development on the property be sufficiently setback from the creek and its slope. This has already been addressed through a zoning by-law amendment application which was approved in 2014 as a condition on the original application for consent (B-13/052).

**Natural Heritage**

**Significant Woodland**

Portions of the severed and retained parcels have been identified as Significant Woodlands in the Township's Official Plan. The area has also been identified as Significant Wildlife Habitat. As a condition of the original application for consent, the applicant had provided an EIS "Environmental Impact Statement St. Bede's Church dated October 17<sup>th</sup>, 2013, prepared by Pinegrove Biotechnical. The EIS had provided recommendations which included a minimum setback of 30 metres from Rosedale Creek. Accordingly, the 30 metre setback was incorporated into the zoning by-law amendment for the property which was approved in 2014. Given that conditions for this property were satisfied (EIS, Zoning By-law Amendment) during the previous application for consent, the Conservation Authority is satisfied that no conditions would be required on this application.

#### Watercourses

Rosedale Creek runs through the severed and retained parcels. As per the Municipality's Official Plan and in accordance with the EIS, a development setback of a minimum of 30 metres is required from the normal highwater mark of Rosedale Creek, Therefore, while there may be a sufficient development envelope on the retained and severed parcels, the applicant needs to be aware that those development envelopes may be limited.

#### Conservation Authority Regulation

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

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

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to this application for consent as it is consistent with the original application for severance (B13/052) which was previously approved. Thank you for the opportunity to comment. Please forward notice of the Authority's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below. Please contact me at ext. 1191 if you have any questions.

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

Severed – Approximately a 1.18 hectare parcel of land consisting of mixed vegetation (brush and trees). Some areas subject to steeper slope. Additional fill will be required to construct a sewage system.

Retained – Approximately 2.65 hectares with existing church, cemetery, drilled well and raised septic system. Property is relatively flat with mixed vegetation. Additional fill will be required in area of the replacement septic system in the future.

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

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

#### **(c) PUBLIC INPUT**

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

#### **(d) PLANNING REVIEW**

##### **Background and Summary**

The applicant proposes to sever a 1.18-ha residential building lot and retain a 2.65-ha lot with an existing church (St. Bede's) and Cemetery. This is a re-submission of application B13/052 which was allowed to lapse. Two previous

consents were taken from this lot in 2009.

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

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

An Environmental Impact Statement was prepared by Pinegrove Biotechnical dated October 17, 2013 for the original application in 2013. The EIS recommended a 30 m setback from Rosedale Creek, which was incorporated into a Provisional Condition, and subsequently a zoning amendment implemented the 30 m setback. The EIS concluded that the development would have no significant impact on Natural Heritage Values provided the setback requirement was implemented.

#### Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. The EIS identified the following SAR that could be present, although none were encountered: Blanding's Turtle and whip-poor-will,

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

2. Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.

- 3 Woodlands

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

#### Zoning

The subject property is currently within the rural special exception which incorporates the recommendations of the EIS for a 30 m setback from Rosedale Creek. The rural designation permits a number of uses, including single-detached

dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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

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

**(e) MINUTES – August 10, 2015**

Eric Edmunds, Treasurer of St. Bede's and Dwayne Whitmore, Church Warden, attended the hearing and gave evidence under oath.

Mr. Edmunds advised that the previous sale of the land did not proceed, therefore the transfer/deed was not signed which resulted in the application B13/052 lapsing. And advised that if the lands do not sell this time that they will transfer the property to a 'trust', so that they do not need to go through the consent process again.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
9. A letter shall be received from the Township of Montague stating that condition #3 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *For the applicant's information the Rosedale Creek is subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:
  - Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

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





**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Harold E. Hogg & Garnet A. Hogg      **Hearing Date:** August 10, 2015

**Agent:** ZanderPlan Inc.      **LDC File #:** B15/046

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Lanark      **Lot:** 25 & 24      **Conc.:** 9

**Roll No.:** 0940 934 030 01200 and      **Consent Type:** New Lot  
0940 934 030 01400

**Purpose and Effect:** To sever a 42.6-ha vacant landholding and retain a 41.6-ha vacant landholding.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Vacant	Vacant
<b>Area</b>	42.6 ha	41.6 ha
<b>Frontage</b>	745.12 m	606.16 m
<b>Depth</b>	686.18 m	686.18 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed Well	Proposed well
<b>Sewage Disposal</b>	Proposed Septic	Proposed septic
<b>Zoning By-law Category</b>	Rural	Limited Service Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

#### **1.1.5 Rural Lands in Municipalities**

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

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

#### **1.6 Infrastructure and Public Service Facilities**

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

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

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

**Local Official Plan** – section 3.3 Rural Communities, Section 7.5 Local Roads, section 8.4.2 Consents.

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

**Zoning By-law** – Section 4.0 general Provisions, Section 6 Rural Zone, Section 10.0 Limited Service Rural Zone.

The Township of Lanark Highlands advises that the proposal complies with the Zoning By-law regulations.

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

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

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

The purpose of this application is to sever a 105.26 acre vacant landholding and to retain a 102.79 acre vacant landholding. The property is legally described as West Part Lot 25 and West Part Lot 24, Concession 9, Geographic Township of Lanark, now in the

Township of Lanark Highlands. The lands to be severed have frontage on the

Concession B of Lanark which is a municipally maintained road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan. The property is zoned Rural (RU) and Limited Services Residential (LSR).

#### PROVINCIAL POLICY

All planning applications must be consistent with the Provincial Policy Statement 2014 (PPS). A review of applicable policies must be undertaken and evaluated under the "consistent with" test. New development is evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. This proposal is the severing of large parcels vacant lands between family members.

#### OFFICIAL PLAN

Consent applications must be evaluated with the policy directives of Section 8.4.2, which provides direction for the division of lands within the Township. This application easily meets the requirements of the Township's Official Plan.

#### ZONING

The subject property is zoned Rural and Limited Services Residential. The proposed lot surpasses the minimum frontage and area requirements of the RU zone and meets all other provisions of the Zoning By-law.

#### DISCUSSION

This application, as submitted, is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
5. That sufficient lands be deeded to the Township of Lanark Highlands along the frontages of the lots to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and that the municipality has a good and marketable title. The Township Superintendent of Public Works should be consulted prior to commencing a survey to determine the amount of road widening required.
6. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain an entrance location permit from the Township.

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

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

#### **PROPOSAL**

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring 105.3 ac and retain a vacant lot measuring 103.0 ac.

#### **PROPERTY CHARACTERISTICS**

According to a review of available GIS mapping and aerial photography, the subject property is entirely located within an area which has been classified by the Ministry of Natural Resources (MNR) as a significant deer wintering area. In addition, a small waterbody referred to as Lake on the Mount exists in the northeast corner of the severed lands, with wetland surrounding it. An unnamed watercourse connects this lake to the Indian River. The entire subject property appears well treed. No other significant natural heritage features or natural hazards were identified.

#### **REVIEW**

##### **Natural Heritage**

##### **Deer Yard**

Guidelines (Natural Heritage Reference Manual, 2010) prepared in support of the Provincial Policy Statement (PPS) indicate that new development, including lot creation, shall only be permitted within significant wildlife habitat if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. In order to address the aforementioned guidelines, an Environmental Impact Statement (EIS) is often required. However, an EIS was not requested in this case given that the municipalities Zoning By-Law permits the creation of one lot within a deer yard, with provisions (Section 5.3.6.2).

MVCA anticipates that development impacts on the deer yard can be mitigated if the removal of trees and other terrestrial vegetation is kept to the minimum required to develop each site. A maximum disturbance of 10% is recommended.

##### **Watercourse**

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the PPS, a minimum 30 m development setback is recommended from any waterbody and watercourse, including the lake and the unnamed watercourse on the subject severed lands. This standard appears achievable.

##### **Wetland**

As previously mentioned, the lake on the proposed severed land is surrounded by wetland. A 30 m development setback is recommended from the wetland.

#### Natural Hazards

##### Organic Soils

The subject property has been mapped as having organic soils, in the area of the wetland previously identified on the severed lands. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, development should be directed outside of these areas.

#### RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objection to the subject application provided the following mitigative measures are implemented for future development:

##### Retained and Severed Lands

1. Removal of terrestrial vegetation and deer wintering habitat should be kept to the minimum required to develop the site, to a maximum of 10%.

##### Severed Lands

1. Future development, including a septic system shall be setback a minimum of 30 m from the unnamed watercourse and the unclassified wetland which surrounds the lake.
2. The shoreline vegetation along the unnamed watercourse, and around the unclassified wetland which surrounds the lake, shall be retained to a minimum depth of 15 m.
3. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the unnamed watercourse, the unclassified wetland, the lake, or onto adjacent properties.

#### NOTES

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

The property owner should be advised that, pursuant to Ontario Regulation 15/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to the initiation of any proposed alterations to the shoreline of the unnamed watercourse, the unclassified wetland, or the lake.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotectiondfo.mpo.gc.ca](http://fisheriesprotectiondfo.mpo.gc.ca) prior to conducting any work within the unnamed watercourse, the unclassified wetland, and the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

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

Severed – A 105.3 acre parcel of vacant wooded land. Land slope and drainage can vary throughout large parcel of land. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 103 acre parcel of vacant land. Land slope and drainage can vary throughout large parcel of land. Additional sandy loam fill will be required in the area of the future tile bed.

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

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

We have no concerns or objection to the proposed severance.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever the West Half of Lot 24 from the West Half of Lot 25 Concession 9 – Lot 24 consists of 42.6-ha while Lot 25 consists of 41.6-ha. Although the lots are considered ‘original town lots’ these have merged on title and therefore require a severance to enable conveyance. It has also been determined that the road (9<sup>th</sup> Con B Lanark) has not been separately ‘Pinned’ and is therefore legally not under the ownership of the Township.

The subject lands are located in an area characterized by typical very rural area, with large mainly vacant landholdings.

The lands are accessed via 9<sup>th</sup> Con B Lanark, a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate

**Deer Yard**

The subject property is located within the locally known ‘Darling Deer Yard’. Winter deer yards provide suitable habitat for the White Tailed Deer, including natural browse, fresh running water and cover from the harsh winter weather. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum, particularly removal of natural browse (eastern white cedar).

**Endangered Species**

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- Blanding’s Turtle (THR)

### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

2. Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. (This section is under appeal to the OMB – until such time as the appeal has been resolved the old policy remains in effect – 2 plus 1 retained). A number of ‘general’ policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.

- 3 Woodlands

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

### Zoning

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

### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of

the Provincial Policy Statement.

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

**(e) MINUTES – August 10, 2015**

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

Ms. Zander explained that Harold and Garnet had inherited the lands, and discovered when the deed was registered that the lands were merged on title. The consent will re-divide the lands as was intended by the Will.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide the Township of Lanark highlands with a copy of the deed/transfer for the property.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain an entrance location permit. The applicant shall consult directly with the Township of Lanark Highlands in this regard.



9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #10 has been fulfilled to their satisfaction.

**NOTES**

1. *The Mississippi Valley Conservation Authority advises that the following mitigative measures should be implement for future development:*
  - a. *On the Retained and Severed Lands*  
*Removal of terrestrial vegetation and deer wintering habitat should be kept to the minimum required to develop the site, to a maximum of 10%.*
  - b. *On the Severed Lands*
    1. *Future development, including a septic system shall be setback a minimum of 30 m from the unnamed watercourse and the unclassified wetland which surrounds the lake.*
    2. *The shoreline vegetation along the unnamed watercourse, and around the unclassified wetland which surrounds the lake, shall be retained to a minimum depth of 15 m.*
    3. *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the unnamed watercourse, the unclassified wetland, the lake, or onto adjacent properties.*
2. *The MVCA also advises that, pursuant to Ontario Regulation 15 3/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA prior to the initiation of any proposed alterations to the shoreline of the unnamed watercourse, the unclassified wetland, or the lake.*
3. *The applicant is advised that the lands are within a recognized “Wintering Area – Deer Yard”, the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
4. *The applicant is also advised that where lands are within a recognized “Wintering Area – Deer Yard” that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Ross Olmstead

**Hearing Date:** August 10, 2015

**Applicant:** Fred Olmstead

**LDC File #:** B15/047

**Municipality:** Township of Beckwith

**Geographic Township:** N/A

**Lot:** 19

**Conc.:** 10

**Roll No.:** 0924 000 035 44200 and  
0924 000 035 44201

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 40.01-ha agricultural landholding and retain a 40.01-ha agricultural landholding with an existing dwelling, barn and outbuildings at 1214 St. Fillan's Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Agricultural	Agricultural
<b>Proposed Use</b>	Agricultural & Residential	Agricultural & Residential
<b>Area</b>	40.01 ha	40.01 ha
<b>Frontage</b>	283.6 m	291.095 ha
<b>Depth</b>	1,330.39 m	1,330.39 m
<b>Road - Access to</b>	Municipal Road and Provincial Highway	Municipal Road and Provincial Highway
<b>Water Supply</b>	Proposed well	Private well
<b>Sewage Disposal</b>	Proposed septic	Private septic
<b>Zoning By-law Category</b>	Agriculture	Agriculture
<b>-Area (minimum)</b>	39-ha	39-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Agriculture

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

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

health and safety concerns.

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

### **1.1.5 Rural Lands in Municipalities**

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

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

### **1.6 Infrastructure and Public Service Facilities**

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

### **2.3 Agriculture**

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

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

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

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

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

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

**Zoning By-law** - Section 3 General Provisions, Section 10 Agriculture Zone.  
The Township of Beckwith advises that the proposal complies with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

**DESCRIPTION OF APPLICATION**

The applicant proposes to sever the existing agricultural parcel in half to create two approximately 100 acre agricultural parcels.

**DESCRIPTION OF SUBJECT LANDS**

The lands are actively used for agricultural purposes and consist of largely cleared fields and natural woodlands. Each of the parcels would have approximately 300m frontage on St Fillan's road.

**PROVINCIAL POLICY STATEMENT**

Section 2.3 regards agricultural areas and section 2.3.4.1 provides specific direction on lot creation in agricultural areas. These policies allow new lots to be created if the proposed lot is of a size appropriate for agriculture common in the area and must allow flexibility in the type or size of agricultural operations. The proposed severance of 100 acres is common in the Township and suitable for a variety of agricultural uses.

**OFFICIAL PLAN**

Section 6.1.5 of the Official Plan provides direction on agricultural severances. This policies allows new agricultural parcels to be created, provided that they are generally 96 acres in area and suitable for the agricultural activities in the area and agricultural practices in the long-run. The proposed severance conforms to these requirements as the proposed severance would result in two approximately 100 acre parcels, which is typical for agricultural parcels in the Township.

A preliminary MDS calculation has been completed and indicates that a suitable building envelope for a new dwelling will exist.

**ZONING BY -LAW**

The subject lands are zoned Agricultural, which requires a minimum lot size of 96 acres with 60m frontage. The proposed severances would be approximately 100 acres and would provide approximately 300m frontage on St Fillan's road.

**OPTIONS I ANALYSIS**

The property owner previously submitted and was granted severance application B11 -171 to 'demerge' an approximately 100 acre agricultural parcel abutting the western boundary of the subject lands. The Township supported this severance because the lands were merged together without the owner's permission or knowledge and the severance application conformed to the Township's Official Plan and Zoning By-law requirements for parcels within the agricultural

designation/zone. The current severance application is similar.

#### RECOMMENDATION

In light of the above information, Staff forwards the following recommendation for consideration of the Committee.

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

1. That the applicant provides the Township with a paper copy of the reference plan;
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;
3. That the applicant confirms with the Township that an entrance to the property will be viable off of St Fillan's road.

Notes:

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

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

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

#### PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring 40.01 ha, and retain a developed lot measuring 40.01 ha.

#### PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drone Imagery, an unclassified wetland occupies the southeast section of the proposed severed lands and the southwest portion of the retained lands, herein referred to as Wetland A. In addition, Lavallee Creek flows through the southeast corner of the retained lands, which also functions as part of the McRae Ferguson Municipal Drain. Two additional watercourses, which are tributaries of Lavallee Creek, flow through the northeastern corner of the retained lands. These tributaries also serve as the Willows Municipal Drain.

With respect to the severed lands, a portion of a second unclassified wetland is shown extending across the western property line into the adjacent property. In addition, another tributary of Lavallee Creek flows across the western lot line. This tributary also forms part of the McRae Ferguson Municipal Drain. All drains are classed as "F", meaning that they are intermittent.

Note 1: Wetland A appears to be hydrologically connected to Lavallee Creek and a

much larger wetland further west on the adjacent land. The Natural Environment Existing Conditions Report, prepared by Muncaster Planning/Bowfin Environmental on October 2, 2013, for the Carleton Place Community Development Plan, assessed this adjacent wetland to be “significant”.

Note 2: As observed during a site visit conducted by MVCA Staff on May 28, 2015, a driveway has already been constructed on the severed lands, and across the full depth of Wetland A. No culverts were observed along the length of this driveway.

## REVIEW

### Natural Heritage Values

#### Wetland

We understand that the aforementioned wetlands have not been evaluated by the Ministry of Natural Resources; therefore, they are not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of flora and fauna (often including fish). They may also provide connectivity and function to Natural Heritage Systems, as defined in the PPS (2014). Furthermore, Wetland A is hydrologically connected to Lavallee Creek and a larger, more diverse wetland to the west, which has been assessed as significant by a qualified professional (discussed above).

It would generally be recommended that there be no disturbance of the wetlands. In addition, a development setback of a minimum 30 m would be suggested. However, in this particular case, a driveway has already been constructed across Wetland A on the severed lands, with no culverts. The remainder of Wetland A, and the second wetland on the severed lands, should remain undisturbed, with a development setback of 30 m. This appears achievable. Consideration should also be given to the installation of culverts across the new driveway to re-establish hydrologic connectivity to Lavallee Creek and the larger wetland to the west.

#### Watercourses/Municipal Drains

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the PPS, a minimum 30 m development setback is recommended from any watercourse. Sufficient area appears to exist on the severed lands for future development that complies with the recommended setbacks from the watercourses.

The retained lands are already developed with no new development proposed at this time. Therefore, impacts to natural heritage features on the retained lands are not anticipated as a result of the subject application.

### Natural Hazards

Wetlands inherently consist of organic soils. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, development should be directed outside of these areas unless support by acceptable engineering techniques.

## RECOMMENDATIONS AND CONCLUSIONS

We recommend the following is implemented on the proposed severed lands:

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

In addition, as previously mentioned, we recommend that consideration be given to the installation of culverts in order to reinstate the hydrologic connectivity of Wetland A to Lavallee Creek and the larger wetland to the west.

## NOTES

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

The wetland on the retained lands should remain undisturbed. And, shoreline vegetation surrounding the wetlands should be retained to a minimum depth of 15 m.

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

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

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

Severed - A 40.01 hectare of land that has no existing building. The front portion of land nearest road is wet and flooded, however, there is sufficient area to construct a sewage system in unsaturated lands further back on property. Additional sandy loam fill will be required in the area of the future tile bed.

Retained - A 40.1 hectare of land with an existing farm house serviced by a well and septic system. There are a number of outbuildings on the property. Recommendations Retained Additional sandy loam fill will be required in the area of future replacement tile bed.

### **Ministry of Transportation** – Kingston

Thank you for providing us an opportunity to comment on the above application. The Ministry of Transportation does not have any concerns regarding the proposed severance. Access will be provided from St. Fillans Road and so the only issue that may arise would be a building permit if there were to be development within 45 metres of the Highway 7 right of way.



If the owner of either the severed or retained lot proposes to build or construct anything within 45 metres of the Highway 7 right of way, a building permit from the Ministry of Transportation is required.

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

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

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 40.01-ha agricultural landholding and retain a 40.01-ha agricultural landholding with an existing dwelling, barn and numerous outbuildings. It is the intent of the new owner to construct a residential dwelling and continue the agricultural operation.

The subject lands are located in an area characterized by typical large agricultural lands along St. Fillan's Road.

The lands are accessed via St. Fillan's Road, a municipally maintained road. No access will be permitted off Highway No. 7 to the north.

Soils Inventory – Name: North Gower (middle section is classed as 'muck')

- Stoniness: non-stony
- CLI: 2 – moderate limitations
- Drainage: poor
- Hydrogeology: high run-off

Bedrock Inventory – Dolostone, sandstone

**Agricultural Operations**

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lot prior to any new development. Normally a condition would be included to advise future purchasers of the farming operation and potential for noise, odours etc, however this is a farming community and the intent of the new landowner is to continue farming.

**Endangered Species**

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records does not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

2. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

- 3 Woodlands

The area has some lands mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Beckwith.

### Zoning

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

### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

**(e) MINUTES – August 10, 2015**

Ross Olmstead, owner and Fred Olmstead, applicant attended the hearing and gave evidence under oath.

Mr. R Olmstead advised that he has already installed the culverts as requested by the Conservation Authority as well as the entrances to the lots.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

**B15/047**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall confirm with the Township's Public Works Superintendent that an entrance to the property will be viable off St. Fillan's Road. The applicant shall consult directly with the Township of Beckwith in this regard.
6. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.

## **NOTES**

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws. The Township of Beckwith will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed.*
4. *The Ministry of Transportation advises that if the owner of either the severed or retained lot proposes to build or construct anything within 45 metres of the Highway 7 right of way, a building permit from the Ministry of Transportation is required.*
5. *The Mississippi Valley Conservation Authority advises that wetlands inherently consist of organic soils. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, development should be directed outside of these areas unless support by acceptable engineering techniques.*
6. *The MVCA also recommend that the following is implemented on the severed lands:*
  - 6.1. *Future development, including a septic system shall be setback a minimum of 30 m from all watercourses and wetlands.*
  - 6.2. *The shoreline vegetation surrounding all wetlands and watercourses shall be retained to a minimum depth of 15 m.*
  - 6.3. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into any wetland or onto adjacent properties.*
  - 6.4. *Future development shall be directed away from wetland areas consisting of organic soils, and*
  - 6.5. *The wetlands shall remain undisturbed.*
7. *The MVCA also recommends that consideration be given to the installation of culverts in order to reinstate the hydrologic connectivity of Wetland A to Lavallee Creek and the larger wetland to the west.*
8. *In addition, the MVCA recommends that the wetland on the retained lands should remain undisturbed. And, shoreline vegetation surrounding the wetlands should be retained to a minimum depth of 15 m.*
9. *The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to any alterations to the shoreline of the watercourses/drains.*
10. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

11. Endangered Species Act, 2007, and Species at Risk in Ontario Background

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT – CONCURRENT APPLICATIONS**

**Owner:** Jonathan Ralph

**Hearing Date:** August 10, 2015

**Agent:** Rod Price

**LDC File #:** B15/049 & B15/072

**Municipality:** Town of Mississippi Mills

**Geographic Town:** Town of Almonte

**Lot:** 104 & 105

**Plan:** 6262

**Roll No.:** 0931 020 025 14300

**Consent Type:** Lot Addition and New Lot

**Purpose and Effect:**

**B15/049** - To sever a 68.02 sq.m. parcel of land as a lot addition to lands owned by Jonathan Ralph at Lot 105 Plan 6262 (104 Spring Street) and retain a 551 sq.m. residential lot with an existing dwelling.

**B15/072** - To sever a 346.3 sq.m. residential building lot and retain a 346.3 sq.m. residential building lot for the purpose of constructing a semi-detached dwelling unit. Access is via Spring Street.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed B15/049</b>	<b>Retained Lands</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Lot addition	Residential
<b>Area</b>	68.02 sq.m.	551 sq.m.
<b>Frontage</b>	2.0 m	10.02 m
<b>Depth</b>	34.01 m	34.01 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Public System	Public System
<b>Sewage Disposal</b>	Public System	Public System
<b>Zoning By-law Category</b>	Residential 2 <sup>nd</sup> Density	Residential 2 <sup>nd</sup> Density
<b>-Area (minimum)</b>		320 sq.m.
<b>-Compliance?</b>	n/a Lot addition	Yes
<b>-Frontage (minimum)</b>		10 m
<b>-Compliance?</b>		Yes

DETAILS OF PROPOSAL	Lands to be Severed B15/072	Retained Lands
Existing Use Proposed Use	Vacant Semi-detached Residential	Vacant Semi-detached Residential
Area Frontage Depth Road - Access to	346.3 sq.m. 10.01 m 34.63 m Municipal Road	346.3 sq.m. 10.01 m 34.61 m Municipal Road
Water Supply Sewage Disposal	Public System Public System	Public System Public System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Residential 2 <sup>nd</sup> Density 320 sq.m. Yes 10 m Yes	Residential 2 <sup>nd</sup> Density 320 sq.m. Yes 10 m Yes

**Official Plan Designation:** Residential

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns**

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs.

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

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

**1.6 Infrastructure and Public Service Facilities**

Section 1.6.3 Before consideration is given to development new infrastructure and public

- a) the use of existing infrastructure and public service facilities should be optimized; and
- b) opportunities for adoptive re-use should be considered, wherever feasible.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water

services should be promoted, wherever feasible.

**County Official Plan** – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 Basis of Plan, section 3.6 Residential, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land.

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

**Zoning By-law** – Section 6 General Provisions, Section 14 Residential 2<sup>nd</sup> Density.

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

**(b) AGENCY REVIEW**

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

**Town Planner's Report**

**BACKGROUND, PURPOSE AND EFFECT OF APPLICATION**

The applicant has submitted two (2) consent applications to the County of Lanark for approval. The first Consent application (#B15/049) is for a lot line adjustment to move the interior side yard property line between the subject properties 1.985m (6.5ft) to the north in order to ensure that the semi-detached dwelling proposed on Lot 105 to the south meets the minimum lot frontage requirement of 10m (32.8ft) per dwelling unit. The second Consent application (#B15/072) is to subdivide Lot 105 into two (2) semi-detached dwelling lots. The owner received Minor Variance approval from the Municipality's Committee of Adjustment on April 27, 2015 to reduce the minimum lot frontage of a detached dwelling located within the "Residential Second Density (R2)" Zone from 18m (59.05ft) to 16.03m (52.59ft) in order to facilitate the construction of a detached dwelling on Lot 104. There were no appeals filed and the minor variance is in full force and effect.

The proposal would result in Lot 104 having a new lot area of ±554m<sup>2</sup> (0.14ac) and a lot frontage of ±16.03m (52.59ft) along Spring Street, while maintaining 34.63m (113.62ft) of frontage along Clinton Street. Lot 105 would then consist of two (2) lots of ±346.3 m<sup>2</sup> in size with frontages of ±10m (32.81ft) along Spring Street. Sketches of the proposed lots are contained within the Appendix.

**DESCRIPTION OF PROPERTY & SURROUNDING LAND USES**

The subject lands are located at the southwest corner of Clinton Street and Spring Street, in the Ward of Almonte. The properties are ±623.1m<sup>2</sup> (0.15ac) in lot area, with frontages of ±18.015m (59.1ft) along Spring Street. Lot 104 also has ±34.60m (113.5ft) of road frontage along Clinton Street. The properties are currently vacant.

The lands are currently designated "Residential" in the Municipality's Community



Official Plan (COP) and zoned "Residential Second Density (R2)" by Comprehensive Zoning By-law #11-83. The lands are generally surrounded by low density residential properties, with a 3-storey, 7-unit apartment building located directly across Clinton Street and the "Almonte General Hospital" located to the northeast.

#### SERVICING & INFRASTRUCTURE

The properties are not currently serviced, with both properties fronting onto Spring Street and Lot 104 also fronting onto Clinton Street. Both streets are municipally owned and maintained roads. Both lots will be serviced by municipal water and sewer services, with Lot 104 having driveway access from Spring Street.

The Municipality's Roads and Public Works Department has reviewed the proposal and issued the following comments:

The site in question is currently not serviced by municipal sewer and water. The storm water management appears to be handled by overland flow. Any changes in the overland flow from storm water on this site would likely be minimal and should not affect current municipal infrastructure. In addition, the municipal sewer and water services directly in front of the lot in discussion appear to have the capacity to handle any increases from a proposed development of this nature.

The Roads and Public Works Department has no objections to the Consent at this time, based on the information provided. However, as the lots are currently unserviced, the property owner will need to enter into a servicing agreement with the Town.

These comments will be addressed through the conditions of consent approval.

#### EVALUATION OF THE APPLICATION

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

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

Staff is of the opinion that the subject consent proposal respects the above-noted criteria.

##### PROVINCIAL POLICY STATEMENT (PPS), 2014

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5) (a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS. The following is a list of applicable sections of the PPS as well as a review of the proposal against these policies: 1.1.2 and 1.1.3.3

The subject property is designated "Residential" in the Municipality's Community Official Plan (COP) and zoned "Residential Second Density (R2)" by Zoning By-law #11-83. The COP identifies the Ward of Almonte as a "settlement area" suitable for residential development. Appropriate municipal services are also available to service the proposed development. As such, this property has been identified as suitable for low density residential infilling.

#### COMMUNITY OFFICIAL PLAN

##### Residential Designation

The subject property is designated “Residential” in the Municipality’s COP. This designation permits low and medium density residential uses as well as associated accessory uses.

Section 3.6.1 of the COP contains various objectives intended to implement a goal of a balanced supply of housing within the Municipality. The following provides an analysis of the proposal against relevant objectives:

- *Promote and support development which provides for affordable, rental and/or increased density of housing types;*  
The infill nature of the proposal would increase the density of the properties by three (3) units.
- *Direct the majority of new residential development to areas where municipal sewer and water services are/will be available and which can support new development;*  
Municipal services are available to support the development of the severed and retained parcels.
- *Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.*  
The dimensions and area of the proposed detached dwelling lot (Lot 104) are very similar to other lots within the surrounding neighbourhood. This lot complies with the minimum lot area requirement for a detached dwelling located within the R2 Zone while also meeting the minimum lot frontage requirement of 16.03m (52.59ft) obtained through the minor variance approval process. The semi-detached dwelling lots (Lot 105) would meet the minimum performance standards of the R2 Zone and would maintain the existing depth comparable to the majority of the properties within the neighbourhood. Also, due to the infill nature of the proposal, Lot 105 would be subject to Site Plan Control to ensure the dwellings are compatible with surrounding properties in terms of urban design. Therefore, Staff believes that the proposed lots would be compatible with the surrounding neighbourhood.

#### Infilling Policies

Section 3.6.7 of the COP also contains specific policies regarding infill development. The following provides an analysis of the proposal against these policies:

- *The Municipality shall give priority to the infilling of existing residential areas as a means of efficiently meeting anticipated housing demand. Infilling shall be considered small scale residential development within existing residential neighbourhoods involving the creation of new residential lots or the development/redevelopment of existing lots.*  
As the proposal is for the creation of one (1) additional residential lot within an existing residential neighbourhood, the infilling is considered small scale and conforms to the above noted policy.
- *Infilling development proposals in existing residential neighbourhoods should be in character with the surrounding building form and setbacks of existing development in an effort to blend in with the residential neighbourhood. Specific design policies for infill development are found in the design section of this Plan.*  
The proposal represents low density residential development, which would be

compatible with the low density residential character of the area. The draft survey submitted in consideration of the application indicates that the proposed dwellings will be set back enough that they will meet the R2 Zoning requirements without creating an expansive front yard that would be abnormal in the area. While semi-detached dwellings are not common in this particular neighbourhood, they are a permitted use under the property's current R2 Zoning and there is a 3-storey, 7-unit apartment building located directly across Clinton Street. In addition, the elevation drawings illustrate that the semi-detached dwelling will be vertically symmetrical with a common roofline and the garages side-by-side to blend in with the detached dwellings that are common to the area.

- *Infilling development proposals shall be required to prepare "lot grading and drainage plans" that take into consideration potential drainage impacts on abutting properties.*

The applicant will be required to provide a lot grading and drainage plan at the Site Plan Control stage for Lot 105.

#### General Consent Policies

The COP provides further direction regarding lot creation in Section 5.3.11.2 entitled "General Consent Policies". This section states that the Municipality shall support the creation of new lots by consent when a number of criteria are satisfied. The following provides an analysis of the proposal against the applicable criteria:

- *The scale of development proposed or the total development potential of the property would not require a plan of subdivision;*

As the proposal is to create one (1) additional residential lot in order to allow for individual ownership of the dwelling units within the proposed semi-detached dwelling, a plan of subdivision would not be required.

- *The application represents infilling in an existing built up area;*

The proposal represents an infill development in an existing built up area within the settlement area of Almonte.

- *The proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;*

The proposal represents low density residential development, which would be compatible with the low density residential character of the area by having similar lot sizes and dimensions. While each lot would only have a frontage of 10m (32.8ft), the entire semi-detached dwelling would maintain 20m (65.6ft) of frontage along Spring Street, which is comparable to the frontage of existing detached dwellings in the neighbourhood.

- *The creation of lots would not create or worsen traffic, access or servicing problems;*

The creation of one (1) additional lot will not negatively impact traffic in the area. Municipal water and sewer services are available to service the proposed development.

- *The application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;*

As the proposal is to create one (1) additional residential lot in order to allow for individual ownership of the dwelling units within the proposed semi-detached dwelling, the application represents an orderly and efficient use of land that would

not hinder the development of the retained lands.

- *The application does not represent strip development; and,*  
The proposed development is not considered strip development as the proposal involves the creation of one (1) residential lot for future individual ownership along the dividing walls of the proposed semi-detached dwelling.

- *In addition to the condition of an agreement, the Town may request other conditions to be imposed by the Land Division Committee which may include but not be limited to the following:*

- *Site plan control*
- *Dedication of land or cash-in-lieu of parkland*

As the proposal for Lot 105 is an infill development, it is subject to Site Plan Control. Cash-in-lieu of parkland will be paid in accordance with the Municipality's Cash-In-Lieu of Parkland/Parkland Conveyance By-law #15-78. As Consent Application #15/072 involves the creation of a new lot within Lot 105 by Consent within a settlement area, a fixed rate of \$2,000 will be collected by the Municipality for this severed lot prior to the issuance of the Certificate of Consent by the Secretary-Treasurer. As Lot 104 and the retained lot from Lot 105 were not created by Consent (severance), cash-in-lieu of parkland will be paid at the Building Permit stage of the process at a rate of 5% of the appraised value of the lots.

- *The application meets all other policies of this Plan.*  
The proposal satisfies all other relevant policies of the COP.

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

The subject lands are currently zoned "Residential Second Density (R2)" by the Municipality's Comprehensive Zoning By-law #11-83. The R2 Zone permits a range of dwelling types including detached, semi-detached, duplex, triplex and converted dwellings, as well as a type "A" group home, a bed and breakfast, home-based businesses and a park. The following table outlines the minimum lot and siting standards of the R2 Zone for detached dwellings serviced by municipal water and sewer against the proposed specifications of the severed and retained lots:

<b>ZONING BY-LAW #11-83 PROVISIONS</b>	<b>BY-LAW REQUIREMENT (DETACHED)</b>	<b>DETACHED LOT</b>	<b>BY-LAW REQUIREMENT (SEMI-DETACHED)</b>	<b>SEMI-DETACHED LOTS</b>
Minimum Lot Area (m <sup>2</sup> )	450	555.11	320 (c)	346.30
Minimum Lot Frontage (m)	16.03	16.03	10 (c)	10.0
Minimum Front Yard (m)	6	6.05	6	6.0
Minimum Side Yard (m)	1.2 (a), (b)	1.25	1.2 (a)	1.2
Minimum Exterior Side Yard (m)	4.5	4.57	6	N/A
Minimum Rear Yard (m)	7.5	10.44	7.5	12.80
Maximum Lot Coverage (%)	40 (e)	36.4	40 (e)	40

## CONCLUSION

Consent application #B15/049 involves a lot line adjustment for the interior side property line between Lots 104 and 105 and Consent application #B15/072 would subdivide Lot 105 into two (2) semi-detached dwelling lots. As the lot line adjustment is required in order to ensure that the semi-detached dwelling proposed on Lot 105 meets the minimum lot frontage requirement of 10m (32.8ft) per dwelling unit, this proposal represents a logical and orderly form of development. While semi-detached dwellings are not common in this particular neighbourhood, they are a permitted use under the property's current R2 Zoning and the elevation drawings submitted illustrate that the design of the semi-detached dwelling will be vertically symmetrical in an effort to blend in with the detached dwellings that are common to the area. As Lot 105 involves an infill proposal, the development would also be subject to a strict review under Site Plan Control to ensure the orderly development of the land and compatibility with surrounding properties.

Furthermore, Staff views the proposal as being consistent with the residential, infilling and consent policies of the Community Official Plan, in keeping with the PPS, and appears to satisfy the development standards of the Zoning By-law.

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

1. That the applicant provides two (2) copies of the registered reference plan to the Municipality;
2. That the applicant provides a digital copy of the registered reference plan in a .DWG and a .PDF file format;
3. That a minimum 4.5m x 4.5m sight triangle be dedicated at the corner of Clinton Street and Spring Street on the registered reference plan;
4. That the owner pays any outstanding property taxes on the subject properties;
5. That the applicant obtains new residential entrance permits and civic addresses for the severed and retained parcels;
6. That cash-in-lieu of parkland be paid in accordance with the Municipality's Cash-In-Lieu of Parkland/Parkland Conveyance By-law; and,
7. That the owner enters into a Development Agreement or a Site Plan Agreement with the Municipality to be registered on title of Lot 105, to address the following:
  - a) The extension of water and sewer services to service the severed and retained parcels;
  - b) The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
  - c) The submission of detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.

**Hydro One Networks** – B15/072 - Hydro One has no objections to the severance.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

**Background and Summary**

The applicant has submitted two applications to be dealt with concurrently. Application B15/049 proposes to sever a 2.0m x 34.01m lot as a lot addition to Lot 105 to increase the road frontage to 20 m, which would permit the construction of a semi-detached residential dwelling with the minimum required road frontage. The retained lot (104) will maintain a 16 m frontage and area of 551 sq.m.

Application B15/079 proposes to split Lot 105 into two equal parts along the centre foundation of the newly constructed semi-detached dwelling unit. Each having an area of 346.3 sq.m. and frontage of 10 m.

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

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

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3 Woodlands  
Mississippi Mills utilizes design guidelines to enhance natural features and landscapes.

**Zoning**

The subject property is currently within the residential second density of the Zoning By-law, which permits a number of uses, including single-detached dwellings and

semi-detached dwelling units. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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

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

**(e) MINUTES – August 10, 2015**

Jonathan Ralph, owner and Rod Price, agent attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

**B15/049 – Lot Addition**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Jonathan Edward Frank Ralph described as Lot 105 Plan 6262 – Town of Almonte, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.

**B15/072 – New Lot**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. Payment shall be made to the Town of Mississippi Mills representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
7. The applicant shall enter into a Development Agreement or a Site Plan Agreement with the Town of Mississippi Mills to be registered on the title of Lot 105, to address the following:
  - a. The extension of water and sewer services to service the severed and retained parcels;
  - b. The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
  - c. The submission of detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.
8. The applicant shall provide a minimum 4.5 m x 4.5 m sight triangle at the corner of Clinton Street and Spring Street on the registered reference plan to the Town of Mississippi Mills. Deeds are to be submitted to the municipality for review



accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Director of Roads and Public Works for the Town shall be consulted prior to commencing a survey.

9. The applicant shall obtain a residential entrance permit to the severed and retained lots. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
10. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills for the severed and retained lots. The applicant shall consult directly with the Town in this regard.
11. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #10 has been fulfilled to their satisfaction.

**NOTES:**

1. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
2. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** 980698 Ontario Inc.

**Hearing Date:** Aug 10, 2015

**Agent:** Mervyn Downey

**LDC File #:** B15/053

**Municipality:** Town of Mississippi Mills

**Geographic Township:** Pakenham

**Lot:** 12

**Conc.:** 11

**Roll No.:** 0940 944 025 38000

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 0.4-ha residential lot with an existing dwelling and garage located at 198 Waba Road and retain a 15.47-ha landholding. The lands are accessed via Waba Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Residential	Vacant
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	0.40 ha	15.47 ha
<b>Frontage</b>	91.4 m	576.3 m
<b>Depth</b>	65.2 m	422.1 m
<b>Road - Access to</b>	County Road	County Road
<b>Water Supply</b>	Private well	Proposed
<b>Sewage Disposal</b>	Private septic	Proposed
<b>Zoning By-law Category</b>	Residential 1	Residential 1
<b>-Area (minimum)</b>	0.2-ha	0.2-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	30 m	30 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Settlement Area

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns**

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space

and other uses to meet long-term needs.

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

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

## **1.6 Infrastructure and Public Service Facilities**

Section 1.6.3 Before consideration is given to development new infrastructure and public

a) the use of existing infrastructure and public service facilities should be optimized; and

b) opportunities for adoptive re-use should be considered, wherever feasible.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

**County Official Plan** – Section 2.0 Settlement Policies, Section 4.3.2 County, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 Basis of Plan, Section 3.4 Rural Settlement Areas and Hamlets, Section 3.6 Residential, Section 4.6.3 County Roads, Section 5.3.11 Consent to Sever Land.

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

**Zoning By-law** - section 6 General Provisions, Section 8 Residential Provisions, section 13 Residential 1<sup>st</sup> Density.

The Town of Mississippi Mills advises that the proposal complies with the Zoning By-law regulations.

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

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

#### **Town Planner's Report -**

##### **PURPOSE AND EFFECT OF APPLICATION**

The applicant has submitted a Consent application to the County of Lanark requesting to sever a ±0.4ha (0.99ac) residential lot containing a detached dwelling and a detached garage and retain a ±15.47ha (38.23ac) land holding containing a machine shed. The proposed severed lot would have a frontage of ±91.4m (300ft) along Waba Road, while the intended retained lot would maintain ±576.3m (1,890.74ft) of frontage along Waba Road. Sketches of the proposed lots

are contained within the Appendix.

#### DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located on the northeast side of Waba Road, at the extreme northwest corner of the Village of Pakenham settlement area boundary. The property is ±15.87ha (39.22ac) in lot area and has a lot frontage of ±667.7m (2,190.74ft) along Waba Road. The property is currently occupied by a detached dwelling, a detached garage and a machine shed, and contains two (2) unclassified wetlands and two (2) small watercourses that flow through the property.

The property is currently designated “Residential” in the Municipality’s Community Official Plan (COP) and zoned “Development (D)” by Comprehensive Zoning By-law #11-83. The property is generally surrounded by agricultural properties to the north and west, the “Pakenham Highlands Golf Club” and rural properties to the south, and the Village of Pakenham downtown to the east. The property is also bounded by the abandoned railway line to the east.

#### SERVICING & INFRASTRUCTURE

The subject property is currently serviced by private well and septic services and fronts onto Waba Road, a County owned and maintained road. The proposed severed parcel would continue to be serviced by a horseshoe-shaped, 2-entrance driveway from Waba Road, while the intended retained parcel will require a new entrance from Waba Road.

#### EVALUATION OF THE APPLICATION

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

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

Staff is of the opinion that the subject Consent proposal respects the above-noted criteria.

##### PROVINCIAL POLICY STATEMENT (PPS), 2014

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS. The following is a list of applicable sections of the PPS as well as a review of the proposal against these policies:

##### Section 1.1.2 and Section 1.1.3.3

The subject property is designated “Residential” in the Municipality’s Community Official Plan (COP) and zoned “Development” by Zoning By-law #11-83. The COP identifies the Village of Pakenham as a “settlement area” suitable for residential development. As such, this property has been identified as suitable for low density residential intensification.

#### COMMUNITY OFFICIAL PLAN

##### Residential Designation

The subject property is designated “Residential” in the Municipality’s COP. This designation permits low and medium density residential uses as well as associated accessory uses.

Section 3.6.1 of the COP contains various objectives intended to implement a goal of a balanced supply of housing within the Municipality. The following provides an analysis of the proposal against relevant objectives:

- *Promote and support development which provides for affordable, rental and/or increased density of housing types;*

The proposal would allow for a new residential lot to be created and would thereby increase the residential density of the property.

- *Direct the majority of new residential development to areas where municipal sewer and water services are/will be available and which can support new development;*

The proposed severed lot will be serviced by existing private well and septic services, while the proposed retained lot is intended for future residential development. Due to the distance from existing public services, municipal water and sewage services are neither existing nor planned for this area and private services are considered to be suitable for the proposed development of the retained parcel. The owner will be required to receive necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

- *Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.*

The dimensions and area of the proposed severed lot is comparable in size and frontage to the residential lot located directly across Waba Road and meets the minimum performance standards of the R1 Zone. Overall, Staff believes that the severed and retained lots would be compatible with the surrounding neighbourhood.

#### General Consent Policies

The COP provides further direction regarding lot creation in Section 5.3.11.2 entitled "General Consent Policies". This section states that the Municipality shall support the creation of new lots by Consent when a number of criteria are satisfied. The following provides an analysis of the proposal against the applicable criteria:

- *The scale of development proposed or the total development potential of the property would not require a plan of subdivision;*

As the proposal is to create one (1) additional residential building lot, a plan of subdivision would not be required.

- *The application represents infilling in an existing built up area;*

The proposal represents intensification in an existing built up area within the Village of Pakenham settlement area.

- *The proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;*

The proposal represents low density residential development, which would be compatible with the low density residential character of the area by having similar lot sizes and dimensions.

- *The creation of lots would not create or worsen traffic, access or servicing problems;*

The creation of one (1) additional lot would not negatively impact traffic in the area. As the property has been identified as suitable for private servicing, the proposal will not impact municipal services.

- *The application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;*  
The proposal would not hinder the development of the retained parcel because it would maintain ±15.47ha (38.23ac) of lot area with ±91.4m (300ft) of frontage along Waba Road, a County owned and maintained public road. As noted, the dimensions and area of the proposed severed lot is comparable in size and frontage to the residential lot located directly across Waba Road and meets the minimum performance standards of the R1 Zone. Therefore, the application represents an orderly and efficient use of land.
- *The application does not represent strip development; and,*  
The proposed development is not considered strip development as the proposal involves the creation of one (1) residential building lot.
- *The application meets all other policies of this Plan.*  
The proposal satisfies all other relevant policies of the COP.

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

The subject property is currently zoned “Development (D)” by the Town’s Comprehensive Zoning By-law #11-83. The D Zone limits the uses, buildings and structures to what legally existed on the effective date of the zoning by-law. In addition, it limits the minimum lot area and lot frontage to what currently exists. Therefore, a Zoning By-law Amendment of the retained parcel to a “Development Exception (D-X)” Zone will be required to address the reduced lot area and lot frontage of the subject property.

As per the severance sketch submitted in consideration of the application, the proposed severed and retained lots would meet or exceed the minimum development standards of the “Residential First Density (R1)” Zone, which permits detached dwellings. As such, it is recommended that the severed lot be rezoned to the R1 Zone category prior to the issuance of a Consent certificate. The following table outlines the minimum lot area and lot frontage requirements of the D and R1 Zones against the lot specifications of the proposed retained and severed lots:

**Table 1: R1 Zone Development Standards vs. Proposed Lot Specifications**

ZONING BY-LAW #11-83 PROVISIONS	D ZONE	PROPOSED RETAINED LOT	R1 ZONE (NO MUNICIPAL WATER OR SEWER)	PROPOSED SEVERED LOT
Minimum Lot Area (m <sup>2</sup> )	Existing (±158,700)	±154,700	2,000	±4000
Minimum Lot Frontage (m)	Existing (±667.7)	±576.3	30	±91.4

**CONCLUSION**

As the subject Consent proposal involves the creation of a new residential lot of a comparable size and frontage to that of surrounding properties in an area deemed appropriate for low density residential intensification, Staff views the proposed

Consent application to be a logical form of development that would not detract from the character of the surrounding neighbourhood.

Furthermore, Staff views the proposal as being consistent with the Residential and Consent policies of the Community Official Plan, in keeping with the PPS, and appears to generally satisfy the development standards of Zoning By-law #11-83.

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

1. That the applicant provides two (2) copies of the registered reference plan to the Municipality;
2. That the applicant provides a digital copy of the registered reference plan in a .DWG and a .PDF file format; and,
3. That the owner pays any outstanding property taxes on the subject property.

**Conservation Authority** – Mississippi Valley Conservation Authority

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

#### PROPOSAL

It is our understanding that the purpose of the subject application is to sever a developed lot measuring 0.4 ha, and retain a vacant lot measuring 15.47 ha.

#### PROPERTY CHARACTERISTICS

According to a review of available mapping and aerial photography, an unnamed tributary of the Mississippi River, as well as a branch of this tributary, flows through the retained lands. The first tributary is within 30 m of the severed lands and flows through two unclassified wetlands located on the retained. The most southern wetland also extends into a small portion of the severed lands.

#### REVIEW

##### **Natural Heritage Values**

###### Wetland

We understand that the aforementioned wetlands have not been evaluated; therefore, they are not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of flora and fauna (often including fish). They may also provide connectivity and function to Natural Heritage Systems, as defined in the PPS (2014). Therefore, a development setback of a minimum 30 m from the wetland is recommended.

#### Watercourse

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the PPS, a minimum 30 m development setback is recommended from any watercourse.

Sufficient area appears to exist on the retained land for future development that complies with the recommended setbacks from the wetlands and watercourses. With respect to the severed land, it is already developed with no new development proposed at this time. Therefore, impacts to natural heritage features are not anticipated as a result of the subject application.

#### Natural Hazards

Wetlands inherently consist of organic soils. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, development should be directed outside of these areas.

#### RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVCA does not have any objection to the creation of this lot provided the following is implemented on the retained lands:

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

#### NOTES

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

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

Any future development on the severed lands should comply with a minimum setback of 30 m from the unclassified wetland and the tributary of the Mississippi River.

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

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

Severed - A 0.40 hectare parcel of land with an existing well and sewage system. There is a two bay garage in place. The original sewage permit is # SF-440-87. Land is relatively flat except property slopes off to the south side. Additional sandy loam fill will be required in the area of the future replacement tile bed.



Retained – A 15.47 hectare parcel of land with an existing machine shed. Land slope and drainage can vary. Land is open field and bush. Additional sandy loam will be required in the area of the future tile bed.

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

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

We have no concerns or objection to the proposed severance.

**Lanark County Public Works**

- 1/ Applicant has approved existing entrance – No. 2531
- 2/ Applicant has an approved entrance location for the retained lands – No. 2529
- 3/ Entrance installation required prior to deed endorsement.
- 4/ Standard road widening, etc conditions to apply.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 0.4-ha residential lot with an existing dwelling located at 198 Waba Road, and retain a 15.47-ha vacant landholding.

The subject lands are located in an area characterized by typical small scale urban residential within the hamlet of Pakenham. The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands are accessed via Waba Road, a county maintained road.

Bedrock Inventory – conglomerate. Sandstone, shale

**Endangered Species**

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- Flood Jellyskin (THR)

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the

approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

2. Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3 Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Town of Mississippi Mills.

#### Zoning

The subject property is currently within the residential 1 section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

#### Conclusion

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

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

**(e) MINUTES – August 10, 2015**

Mervyn Downey, applicant attended the hearing and gave evidence under oath. Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The lot to be severed and the lot to be retained shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
7. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
8. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
9. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
10. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
11. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.
12. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the Town of Mississippi Mills, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
13. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or

road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.

14. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 through #13 has been fulfilled to their satisfaction.
15. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #7 (and 12, if required) has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Valley Conservation Authority advises that the following should be implemented on the retained lands:*
  - 1.1. *Future development, including a septic system shall be setback a minimum of 30 meters from the unnamed watercourses and unclassified wetlands.*
  - 1.2. *The shoreline vegetation surrounding the wetland and watercourses shall be retained to a minimum depth of 15 meters.*
  - 1.3. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands, watercourses or onto adjacent properties.*
  - 1.4. *Future development shall be directed away from wetland areas consisting of organic soils.*
  - 1.5. *The wetlands shall remain undisturbed.*
2. *The MVCA also advise that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to any alterations to the shoreline of the unnamed watercourse. Any future development on the severed lands should comply with a minimum setback of 30 m from the unclassified wetland and the tributary of the Mississippi River.*
3. *In addition, consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@Jdfompo.gc.ca prior to conducting any work within the wetlands or watercourse, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future replacement tile bed on the severed lands and in the area of a septic bed on the retained lands.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered*

*or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Anthony G. Higgins & Gayle Higgins    **Hearing Date:** August 10, 2015

**Agent:** N/A

**LDC File #:** B15/054

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

**Lot:** 27

**Conc.:** 11

**Roll No.:** 0924 000 030 22000

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 6.5-ha residential building lot and retain a 27.0-ha landholding, with an existing dwelling, located at 1076 Ashton Station Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	6.5 ha	27 ha
<b>Frontage</b>	231 m	963 m
<b>Depth</b>	281 m	281 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed well	Private well
<b>Sewage Disposal</b>	Private septic	Proposed septic
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

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

Section 1.1.4 Rural areas are important to the economic success of the Province

and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

#### **1.1.5 Rural Lands in Municipalities**

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

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

#### **1.6 Infrastructure and Public Service Facilities**

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

#### **2.1 Natural Heritage**

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

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

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

**Local Official Plan** - Section 4 General Development Policies, Section 6 Rural Policies, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

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

**Zoning By-law** – Section 3 General Provisions, Section 11 Rural Zone

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

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

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

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

#### **DESCRIPTION OF APPLICATION**

Severance application to create an approximately 16 acre parcel with 250m of frontage onto Ashton Station Road.

#### **DESCRIPTION OF SUBJECT LANDS**

The lands are located within a rural portion of the Township and are composed of a mixture of vegetated lands and former pasture land.

#### **PROVINCIAL POLICY STATEMENT**

Section 1.1.4 regards development in rural portions of municipalities. This policies generally promote development that is compatible with the surrounding landscape and compatible with the service levels of a rural area. The proposed development appears to be consistent with these policies.

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

#### **OFFICIAL PLAN**

Section 4.5 of the Official Plan provides guidance on severances. These policies reference a maximum of 3 severances from a 100 acre parcel. The subject lands have provided two severances and thus qualify for a third and final severance.

Severances are required to respect MDS calculations for surrounding livestock barns. The abutting parcel to the south is a horse farm. A preliminary MDS calculation indicates that the proposed severance would provide a building envelope beyond the required MDS setback.

#### **ZONING BY-LAW**

The subject lands are zoned Rural, which permits single dwellings as a permitted use. The proposed severance would exceed the minimum required frontage of 45m, as 250m of frontage on Ashton Station Road is being proposed. As indicate above, there is a livestock barn to the south, but given the size of the proposed severance, it is anticipated that there will be a building envelope of 1 ha beyond the required MDS setback.

#### **OPTIONS / ANALYSIS**

Staff does not foresee any issues with the proposed severance.

#### **RECOMMENDATION**

In light of the above information, Staff forwards the following recommendation for consideration of the Committee,

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

- The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;



- The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application;
- The applicant confirms with the Township's Public Works Superintendent that an entrance to each of the severed lots and the retained lot will be viable off of Ashton Station Road.
- Advisory Notes: That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

**Conservation Authority** – Mississippi Valley Conservation Authority

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

**PROPOSAL**

It is our understanding that the purpose of the subject application is to sever a vacant lot measuring 6.5 ha, and retain a developed lot measuring 27 ha.

**PROPERTY CHARACTERISTICS**

According to a review of GIS mapping and aerial photography, one unnamed watercourse, also classified as part of the Rotsford Branch municipal drain, flows through the proposed retained lands. No natural heritage features or natural hazards were identified on the proposed severed lands.

**REVIEW**

**Natural Heritage Values**

The retained land is already developed with no new development proposed at this time; therefore impacts to natural heritage features on the retained land are not anticipated at this time. Concerning the severed, no natural heritage features were identified.

Natural Hazards - None Identified.

**RECOMMENDATIONS AND CONCLUSIONS**

With the above in consideration, we do not have any objections to the subject application.

**NOTES**

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

Any future development on the retained lands should comply with the minimum waterbody setback requirement.

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

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

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

Severed – A 6.5 hectare parcel of vacant land with both open field and wooded land. Land is relatively flat. Additional sandy loam fill will be required in the area of the future leaching bed.

Retained – A 27 hectare lot with an existing house serviced by a well and septic system. Land is both open field and wooded land. There are outbuildings on the property. Additional sandy loam fill will be required in the area of the future replacement leaching bed.

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

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

**City of Ottawa** – No comments were received.

(c) **PUBLIC INPUT**

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

From: **Trish Collins** <[logoff.farms@gmail.com](mailto:logoff.farms@gmail.com)>

Date: Tue, Jul 14, 2015 at 7:26 PM

Subject: Application for Consent-- File B15/054 Pt Lot 27 Con 11 Township of Beckwith

To: [plan@lanarkcounty.ca](mailto:plan@lanarkcounty.ca)

I am writing as a concerned neighbour who's land shares a boundary line of the Lands to be Severed as per the Application of Consent File Number B15/054 Pt Lot 27 Con 11 in the Township of Beckwith, owner and applicant being Anthony George Higgins and Gail Higgins.

I own the property directly to the southwest of the proposed severance (Pt Lot 26 Con 12 Township of Beckwith), and there is currently no boundary fenceline between our properties. It should be noted that one does exist along the boundary lines immediately to the south of the proposed severance, the land owner being Richard Hoerd.

I am concerned as the current property boundary line has not been fenced, and I am worried about new owners not respecting boundary lines. I have been trying to work with Anthony Higgins to negotiate a fence along the property line, but he is refusing to share in the costs, as he sees no benefit to him. I have pointed him to the Line Fences Act, and costed out an inexpensive, and still sympathetic fence type (pattern cedar fence, the same as the fence type along the existing south side of the proposed severance), but he is not cooperating.

As I result, I have submitted an application to Beckwith Township for Fence Viewers to come out and arbitrate a solution, so we can proceed to build a fence prior to the severance, and clearly indicate where the boundary lines exist. I have livestock (already in a fenced

area of my property), but worry that new neighbours, not accustomed to rural living and protocol, will see the fields behind their severance as free for their use, and I will end up with snowmobiles, ATVs, and dirt bikes on the back on my property, scaring my horses and damaging the land. I was hoping to have the fence installed this year, and was unaware that he had applied to sever until I received the notice. I do not want to have to deal with people I don't know, and who may or may not build right away, or even be reachable, as many people buy property and do not build immediately, or just keep it for speculation. I would prefer a fenceline be built this summer prior to the severance and subsequent sale of the property.

I should be noted that I recently had the boundary line surveyed, and it is not in dispute. Anthony does not disagree with having a fence, or even the type of fence, but he does not want to share in the costs.

Please consider my concerns when granting approval for the application for consent to sever for Anthony Higgions.

Do not hesitate to contact me if you have any questions.

*NOTE: Ms. Collins was advised that a legal survey of the new property line would be required as a condition of consent and that fencing questions and concerns should be submitted to the local municipality.*

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 6.5-ha vacant landholding and retain a 27-ha landholding with an existing dwelling and outbuildings at 1076 Ashton Station Road. Two previous severances were taken from the original 100 acre parcel. And 1 lot addition.

The subject lands are located in an area characterized by larger type residential lots, with agricultural lands to the north.

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

Soils Inventory – Name: Grenville

- Stoniness: slightly stony
- CLI: 3 – moderately severe limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – limestone, Dolostone, shale

**Agricultural Operations**

Due to an agricultural operation being located on adjacent lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 127 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant exceeds 222 m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

**Endangered Species**

With the new Endangered Species Act (ESA 2007) in effect, it is important to

understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- Bobolink (THR)

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.  
  
Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
- 3 Woodlands  
The area has not been mapped as 'woodlands'.

#### Zoning

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

#### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural

lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

**(e) MINUTES – August 10, 2015**

Anthony Higgins, owner attended the hearing and gave evidence under oath.

Mr. Higgins advised that there has been an application submitted to the Township for a fenceviewer in hopes to resolve the line fence issue.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

The applicant confirms with the Beckwith Township Public Works Superintendent that an entrance to each of the severed lots and the retained lot will be viable off of Ashton Station Road.

6. A letter shall be received from the Township of Beckwith stating that condition #4 through #5 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Valley Conservation Authority advises that any future development on the retained lands should comply with the minimum waterbody setback requirement.*
2. *THE MVCA also advise that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to any alterations to the shoreline of the unnamed watercourse.*
3. *In addition, the MVCA advise consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfompo.gc.ca](mailto:fisheriesprotection@dfompo.gc.ca) prior to conducting any work within proximity of the watercourse, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future leaching bed.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*effect. The regulation would establish the area that is protected as habitat for the species.*

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Estate of Ella M. Denyes

**Hearing Date:** August 10, 2015

**Agent:** Craig Halpenny

**LDC File #:** B15/067

**Municipality:** Tay Valley Township

**Geographic Township:** South Sherbrooke

**Lot:** 21

**Conc.:** 2

**Roll No.:** 0911 914 020 36500

**Consent Type:** Lot addition

**Purpose and Effect:** To sever a 0.41-ha parcel of land as a lot addition to lands owned by Thomas H Griffith and Lois I Griffith at 302 Christie Lake Lane 21 and retain an 8.09-ha vacant landholding.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Lot addition	Vacant
<b>Area</b>	0.412 ha	8.09 ha
<b>Frontage</b>	N/A	450 m
<b>Depth</b>	65 m (irregular)	198.12 m (irregular)
<b>Road - Access to</b>	Registered R-O-W	County Road
<b>Water Supply</b>	N/A	none
<b>Sewage Disposal</b>	N/A	none
<b>Zoning By-law Category</b>	Rural	Seasonal residential
<b>-Area (minimum)</b>		0.405-ha
<b>-Compliance?</b>	n/a – lot addition	Yes
<b>-Frontage (minimum)</b>		60 m
<b>-Compliance?</b>		Yes

**Official Plan Designation:** Rural

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

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



Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

#### **1.1.5 Rural Lands in Municipalities**

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

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

#### **1.6 Infrastructure and Public Service Facilities**

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

#### **2.1 Natural Heritage**

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

#### **2.2 Water**

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

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

#### **2.6 Cultural Heritage and Archaeology**

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed

development and site alteration has been evaluate and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Section 2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

### **3.1 Natural Hazards**

Section 3.1.1 Development shall generally be directed to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- c) hazardous sites.

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

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

**Local Official Plan** – Section 2 General development Policies, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural, Section 4.3 County Roads, Section 4.5 Private Roads, Section 5.2 Land Division.

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

**Zoning By-law** – Section 3 General Provisions, section 5.2 Seasonal Residential, Section 10 Rural Zone.

Tay Valley Township advises that the proposal does not comply with the zoning by-law regulations. A re-zoning or Minor Variance is required to deal with the undersized frontage of the lot to be enlarged.

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

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

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

###### **BACKGROUND**

The proposal is to sever a 0.41 ha vacant parcel as a lot addition to a 0.41 ha cottage property. The retained lot is 8.09 ha.

###### **DISCUSSION**

Consistent with Provincial Policy Statement Yes

Conforms to Official Plan Yes

Complies with Zoning By-Law No

Recommend consent for this application Yes

PROVINCIAL POLICY STATEMENT - No concerns.

###### **OFFICIAL PLAN**

Section 3.6 Rural: There is an existing cottage on the property receiving the lot addition. The severed portion is vacant. These uses are permitted in the rural designation.

###### **ZONING BY-LAW**

Section 5.2 Seasonal Residential: The lot receiving the addition has 54.86m water frontage, less than the zone provision of 60m. This would be unchanged by the lot addition. The area after the lot addition would be 8200 m<sup>2</sup>, larger than the minimum 4050 m<sup>2</sup> required. A rezoning or minor variance will likely be required by the Land Division Committee to address the under sized frontage.

**CONSERVATION AUTHORITY**

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

**SEPTIC AUTHORITY**

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

**CONCLUSION**

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

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That, the applicant submit a Zoning Amendment Application for the new lot to be rezoned to Residential Limited Services Special Exception or submit a Minor Variance Application.
5. That, approval be dependent on the Zoning Amendment approval or the Minor Variance approval.”

**(c) PUBLIC INPUT**

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

June 4, 2015

To: Mary Kirkham  
Planning Administrator  
Lennox County  
79 Christie Lake Road  
PERTH, ONT. (K7H-3C6)

RE: FILE NO.: B15/067

PT. LOT 21 CONC. 2, geographic TOWNSHIP OF  
SOUTH SHERBROOKE,  
TAY VALLEY TOWNSHIP  
ESTATE OF ELLA DENYES

This is a letter to advise you that I would like to be notified of the decision made by the Land Division Committee in respect of the proposal consent to the severing of a .41-ha parcel of land as a lot addition to lands owned by Thomas and Lois Aniff at 302 CHRISTIE LAKE LANE 21 and retain an 8.09-ha vacant landholding.

Own a cottage at following Municipal Address & Legal Description: 291 - CHRISTIE LAKE LANE 21  
CON 2 E PT. LOT 21 RP 27R1990  
PARTS 3 AND 4

Sincerely,  
Gayle Fyfe  
\* P.O. BOX 20125  
201 MILLAR BROOKE WAY  
PERTH, ONT. (K7H-3M6)

TELEPHONE NOS.: (613) 264-2094 (RESIDENTIAL)  
(613) 267-6447 (COTTAGE)

June 4, 2015

TO: MARY KIRKHAM  
PLANNING ADMINISTRATOR  
LANARK COUNTY  
99 CHRISTIE LKRD.  
PERTH, ONT. (K7H-3C6)

RE: FILE NO.: B15/067  
PT. LOT 21 CONC. 2 geographic Townships of  
South Sherbrooke  
TAY VALLEY TOWNSHIP  
ESTATE OF ELLA M. DENYES

This is to advise you that I do have an interest and concern  
with this application as the parcel of land to be severed comes  
directly up to my right-of-way and adjoining land on which my  
cottage is situated on (291 CHRISTIE LAKE LANE 21

CONCEPT LOT 21 RP 27R1990

PARTS 3 AND 4)

I believe, by law, that my right-of-way should not be  
affected. However, I know that there was an issue between  
the previous owner of the lot beside Mr. Thomas Griffith's  
regarding their crossing a small portion of his land in order to  
enter and exit their property and I would not want to be involved  
in this type of issue or any other conflicting issues. This right-of-way  
has been used since the cottage was built in 1953.

Sincerely,  
Gayle Goff

\* P.O. Box 26125

201 MILLAR BROOKWAY

PERTH, ONT. (K7H-3M6)

TELEPHONE NOS.: (613) 264-2094 (Residential)

(613) 267-6941 (Cottage)

(ADDITIONAL NOTATION  
ATTACHED)

NOTE:

An additional concern I have is that if Mr Griffith plans to clear this parcel of land, cutting down all the trees in that my trucks or machinery that he might bring in to accomplish this or any other plans he has, will not block my right-of-way. I do have good reasons for this concern and I want to make sure that I have clear access in and out whenever I go to my cottage.

*Gayle Gryfe*

**(d) PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.41-ha parcel of land as a lot addition to lands owned by Thomas Harold Griffith and Lois Isobel Griffith at 302 Christie Lake Lane 21 and retain an 8.09-ha landholding. Both lots are currently vacant.

The subject lands are located in an area characterized by typical seasonal residential lots along the shore of Christie Lake. The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands are accessed via Christie Lake Lane 21, a private road which adjoin Christie Lake Road, a County maintained road. Christie Lake Lane traverses through the lands to be severed, r-o-w / easements will be required to be maintained.

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – granodiorite, granite, syenite

Archaeological

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

Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- Gray Ratsnake (THR)

### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3 Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by Tay Valley Township.

### Zoning

The subject property is currently within the rural section of the Zoning By-law, and will require to be rezoned to an appropriate zoning category to recognize that it is not on a maintained municipal road, and the enlarged lot as deficient water frontage. The proposed new lot meets the minimum lot size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

(e) **MINUTES – August 10, 2015**

Craig Halpenny, solicitor for the applicant attended the hearing.

Thomas Griffith, purchaser attended the hearing and gave evidence under oath.

Mr. Halpenny confirmed that the lands that are the subject of the consent applications do not include any of the R-O-W lands, known as Christie Lake Lane 21.

Mr. Griffith also advised that it was his intention to relocate the existing r-o-w that currently crosses these lands and his lands. The secretary advised that this would need to be a separate application as it would require circulation to the Conservation Authority and the lands would need to be consolidated first.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Thomas Harold Griffith and Lois Isobel Griffith described as Parts 1, 2 and 3 Plan 27R-3848, Pt Lot 21/22 Conc. 2 geographic Township of South Sherbrooke, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".



4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
9. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property
10. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for Tay Valley Township either by way of an amendment to the Zoning By-law or a minor variance.
11. The lot to be enlarged shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with Tay Valley Township in this regard.
12. A letter shall be received from Tay Valley Township stating that condition #6 through #11 has been fulfilled to their satisfaction.

**NOTES**

1. *Tay Valley Township advises that no development is to occur within 30 metres of a waterbody. If development occurs within 100 metres of a waterbody, then a Site Plan Control Agreement will be required.*
2. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Robert S Stroud

**Hearing Date:** August 10, 2015

Heather A McTavish

**Agent:** ZanderPlan Inc.

**LDC File #:** B15/087

**Municipality:** Town of Carleton Place

**Geographic Township:** Carleton Place

**Lot:** 13

**Plan:** 637

**Roll No.:** 0928 010 025 04400

**Consent Type:** New Lot

**Purpose and Effect:**

To sever a 1,589.9 sq.m. residential building lot and retain a 2,695 sq.m. Residential lot with an existing dwelling located at 207 High Street.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	1,589.9 sq.m.	2,695.1 sq.m.
<b>Frontage</b>	18.2 m	29.37 m
<b>Depth</b>	88.2 m	91.9 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Piped water	Piped water
<b>Sewage Disposal</b>	Sanitary Sewers	Sanitary Sewers
<b>Development Permit By-law Category</b>	High Street Residential	High Street Residential
<b>-Area (minimum)</b>	60% lot coverage	60% lot coverage
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	18.2 m	18.2 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Mississippi Residential Sector

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

**1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns**

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs.

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

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

## **1.6 Infrastructure and Public Service Facilities**

Section 1.6.3 Before consideration is given to development new infrastructure and public

- a) the use of existing infrastructure and public service facilities should be optimized; and
- b) opportunities for adoptive re-use should be considered, wherever feasible.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

**County Official Plan** – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2.0 Community Design Framework, Section 3. Mississippi District, Section 6.7.2 Consents.

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

**Development Permit By-law** – Section 3 General Provisions, Section 4.4 High Street Residential.

The Town of Carleton Place advises that the proposal complies with the Development Permit By-law regulations.

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

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

#### **Town Planner's Report -**

##### **SUMMARY**

B15/87- 207 High Street

A consent application has been received from the property known as 207 High Street. The subject lands are legally described as Part of Lot 13, Concession 12,

Geographic Township of Beckwith and illustrated below. The consent application is to sever a 1589.98 square metre residential lot, leaving a 2,695.13 square metre retained portion of residential property with an existing single family dwelling on High Street.

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

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

Section 2.0 of the PPS 2014 protects resources and Section 3.0 outlines policies to direct development away from areas of potential hazards. The proposed severance complies with and is consistent with policy directions within the PPS 2014.

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

#### COMMENT

The proposal, if approved, will allow for the creation of an infill residential lot which is appropriately designated in both the Official Plan and Development Permit By-law.

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

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

1. The balance of outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
2. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
3. The applicant shall provide a site grading and drainage plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
4. That a deposited reference plan shall be submitted to the Town of Carleton Place
5. That applicant shall provide the Town of Carleton Place with building elevations of the new proposed structure to demonstrate that the existing character of the

neighborhood is maintained as per Section 14 of the Development Permit By-law.  
6. The new lot and any structures to be built on it will not be permitted any variations to the provisions of the Development Permit By-law of the Town of Carleton Place unless a separate Development Permit application is submitted and approved.

7. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The building location survey shall also include confirmation for both severance and retained lands that there is:

- Adequate frontage along the maintained road;
- Adequate access along the maintained road; and
- Compliance with the Ontario Building Code

8. That the existing accessory structure located on the severed parcel be demolished or moved to the retained or other property and be in compliance with the Town of Carleton Place Development Permit Bylaw.

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

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

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 1,589.98 sq.m. residential building lot and retain a 2,695.13 sq.m. residential lot with an existing dwelling located at 207 High Street. The lot to be severed has a frame garage located on it, which will be required to be demolished or moved.

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

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

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

2. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision. Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which do not result in the creation of a new lot.

3 Woodlands

The Town of Carleton Place uses a ‘tree preservation plan’ for ensuring that tree cover is maintained within the Town.

Development Permit

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

Conclusion

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

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

(e) **MINUTES – August 10, 2015**

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

Ms. Zander questioned how the Town’s recommended condition No. 6 could be cleared and noted that the requirement for a Building Location Survey and Building Elevations description addresses the future Development Permit requirements. The committee requested that the secretary-treasurer clarify this recommended condition with the Town’s Planner.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
5. The applicant shall provide a site grading and drainage plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
6. The applicant shall provide the Town of Carleton Place with a copy of the deposited reference plan.
7. The applicant shall provide the Town of Carleton Place with building elevations of the proposed new structure to demonstrate that the existing character of the neighbourhood is maintained as per Section 14 of the Development Permit By-law.
8. The applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands being severed and retained are in compliance with all Development Permit provisions.
9. The applicant shall demolish the existing accessory structure on the severed lands or alternatively more the structure to the retained land or other property. Either action shall be in compliance with the Town of Carleton Place Development Permit By-law.
10. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Carleton Place in this regard.
11. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
12. A letter shall be received from the Town Carleton Place stating that condition #3 through #11 has been fulfilled to their satisfaction.

**NOTES**

1. *The Town of Carleton Place advises that any structures to be built on the lot must comply with the Development Permit By-law. If compliance is not demonstrated a separate application for Development Permit Approval will be required. The applicant shall consult with the Town of Carleton Place in this regard.*
2. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits*

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

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

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