
The Land Division Committee met in regular session on Monday, December 14, 2015 at 9:00 a.m. at the Lanark County Municipal Office, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

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

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF MINUTES

MOTION #LD-2015-51

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

"THAT, the minutes of the Land Division Committee meeting held on November 16, 2015 be approved as circulated."

ADOPTED

4. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2015-52

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

"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 B14/120, B14/121, and B14/122 – Glad Tidings Pentecostal Church - three new lots
Pt. Lot 6 Conc. 2 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Wayside Drive.
- 6.2 B15/060, B15/061, B15/062, and B15/063 – Chad Douglas Young & Julia Lisa Patterson Young – new road and three new lots
Pt. Lot 15 and 16 Conc. 2 geographic Township of Ramsay, now in the Municipality of Mississippi Mills. Ramsay Con 12.
- 6.3 B15/065 and B15/066 – James F. Ramsay and Margaret A. Ramsay – two new lots
Pt. Lot 13 Conc. 9 geographic Township of Dalhousie, now in the Township of Lanark Highlands. Con 9B Dal and Maple Hollow Drive.
- 6.4 B15/124 – Barbara Stewart – R-O-W/Easement
Pt. Lot 12 Conc. 9 geographic Township of Dalhousie, now in the Township of Lanark Highlands. Maple Hollow Drive.

- 6.5 B15/119 – Dorothy Lewis – new lot
Pt. Lot 26 and 27 Conc. 6 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Tennyson Road.
- 6.6 B15/077 – Melville and Katherine James – new lot
Pt. Lot 6 Conc. 11 geographic Township of Ramsay, now in the Municipality of Mississippi Mills.
Appleton Side Road.
- 6.7 B15/080 – Alan E. and Ulla T. Murphy – new lot
Pt. Lot 19 Conc. 10 geographic Township of Bathurst, now in Tay Valley Township. Ennis Road.
- 6.8 B15/095 – John O’Neil, Maureen Dzitars, and Susan Hitchcock – new lot
Pt. Lot 18 Conc. 8 geographic Township of North Burgess, now in Tay Valley Township.
Pike Lake Lane 1.
- 6.9 B15/103 – 1343791 Ontario Ltd. - new lot
Pt. Lot 23 Conc. 3 Township of Beckwith. Cam’s Way.
- 6.10 B15/117 – Jaroslav and Olga Ovtsyn – new lot
Pt. Lot 4 Conc. 6 Township of Beckwith.
7th Line Beckwith.
- 6.11 B15/121 – Frank and Elsbe Steffen – lot addition
Pt. Lot 17 Conc. 4 geographic Township of North Burgess, now in Tay Valley Township.
Miners Point Road.
- 6.12 B15/126 – 2131690 Ontario Ltd. – new Lot
Lot 11 and 12 Plan 1596 Town of Carleton Place.
Beckwith St.
- 6.13 B15/127 – Dawn King – lot addition
Pt. Lot 4 Conc. 5 geographic Township of Bathurst, now in Tay Valley Township. Brooke Valley Road.

7. DEFERRED APPLICATIONS

None

8. CONFIDENTIAL REPORTS

None

9. COMMUNICATIONS/OTHER BUSINESS

- 9.1 Scoped Hydrogeological Study - discussion on draft 'scoped' hydrogeological study requirements.
- 9.2 Ontario Municipal Board – Notice of Hearing – B15/037 Caldwell – Wednesday March 23, 2016 in Almonte.
- 9.3 Committee Member Expenses – 'Members of Council and Committees/Boards of Council Expenses' report – deferred to Spring 2016.

10. PROVISIONAL CONSENT GRANTED

- | | | |
|------|--|---------|
| 10.1 | B15/065 and B15/066 – James F. Ramsay and Margaret A. Ramsay – two new lots. | 8 - 27 |
| 10.2 | B15/124 – Barbara Stewart – R-O-W/Easement | 28 - 33 |
| 10.3 | B15/119 – Dorothy Lewis – new lot | 34 - 44 |
| 10.4 | B15/080 – Alan E. and Ulla T. Murphy – new lot | 45 - 56 |
| 10.5 | B15/095 – John O'Neil, Maureen Dzitars, and Susan Hitchcock – new lot | 57 - 67 |
| 10.6 | B15/117 – Jaroslav and Olga Ovtsyn – new lot | 68 - 77 |
| 10.7 | B15/121 – Frank and Elsbe Steffen – lot addition | 78 - 86 |

10.8 B15/126 – 2131690 Ontario Ltd. – new Lot 87 - 92

10.9 B15/127 – Dawn King – lot addition 93 - 97

11. PROVISIONAL CONSENT DEFERRED

11.1 B14/120, B14/121, and B14/122 –
Glad Tidings Pentecostal Church - three new lots.

MOTION #LD-2015-53

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

"**THAT**, applications B14/120, B14/121 and B14/122 be deferred pending clarification on the suitability of the road for additional traffic;

AND THAT the applicants proceed with the re-zoning of the property, in order to establish the residential zoning;

AND THAT the applications be brought back to Committee at the applicants request."

ADOPTED

11.2 B15/060, B15/061, B15/062, and B15/063 – Chad Douglas Young & Julia Lisa Patterson Young – new road and three new lots.

MOTION #LD-2015-54

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

"**THAT**, the request for deferral be accepted;

AND THAT, the owner/agent advise the Secretary-Treasurer when they are ready to come before the committee for a decision.”

ADOPTED

11.3 B15/077 – Melville and Katherine James – new lot

MOTION #LD-2015-55

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"**THAT**, application B15/077 (James) be deferred to provide the applicant with an opportunity to consult with Mississippi Mills staff / Council, to fully evaluate the options for future development and to determine the best manner in which to divide the lands in order to accomplish this end;

AND THAT, the applicant advise the Secretary-Treasurer when they are in a position to bring the matter back to Land Division for consideration and decision.”

ADOPTED

11.4 B15/103 – 1343791 Ontario Ltd. - new lot

MOTION #LD-2015-56

MOVED BY: D. Murphy

SECONDED BY: W. Guthrie

"**THAT**, consent application No. B15/103 be deferred, to allow the applicant time to further explore development options, with the Township of Beckwith on how the application can meet the Official Plan Policies Section 4.5 Division of Land, such a site specific Official Plan Amendment.”

ADOPTED

12. PROVISIONAL CONSENT DENIED

None

13. UPCOMING MEETINGS AND NOTICES

January 11, 2016 at 9:00 a.m.

February 8, 2016 at 9:00 a.m. – W. Guthrie, unable to attend – change of date required. Feb 16, 17 & 18 not available. Feb 22, 2016 is available.

March 14, 2016 at 9:00 a.m. – R. Strachan, unable to attend

April 11, 2016 at 9:00 a.m. – D. Murphy, unable to attend.

May 9, 2016 at 9:00 a.m.

MOTION #LD-2015-57

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

'**THAT**, the February 8, 2016 Land Division Committee meeting be changed to February 22, 2016.'

ADOPTED

14. ADJOURNMENT

MOTION #LD-2015-58

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

"**THAT**, the meeting do now adjourn at 1:08 pm."

ADOPTED



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: James F Ramsay &
Margaret A Ramsay

Hearing Date: Dec. 14, 2015

Agent: ZanderPlan Inc.

LDC File #: B15/065 and B15/066

Municipality: Lanark Highlands

Geographic Township: Dalhousie

Lot: 13

Conc.: 9

Roll No.: 0940 003 030 15100

Consent Type: 2 new lots

Purpose and Effect: To sever a 1.02-ha residential lot with an existing seasonal dwelling t/w a r-o-w / easement over Maple Hollow Drive and an 8.79-ha with an existing dwelling, barns and outbuildings with access to 9th Con B Dal and to retain 23.29-ha vacant landholding with access to North Shore Road.

DETAILS OF PROPOSAL	Lands to be Severed B15/065	Lands to be Severed B15/066	Lands Retained
Existing Use	Seasonal Dwelling	Residential	Vacant
Proposed Use	Same	Same	Residential
Area	1.016-ha	8.79-ha	23.29-ha
Frontage	25.3 m	125 m	551 m
Water Frontage	25.3 m	10.05 m	24.4 m
Depth	136 m	87.97 m	Irregular
Road - Access to	Private ROW	Municipal	Municipal
Water Supply	Private Well	Private Well	Proposed
Sewage Disposal	Septic System	Septic System	Proposed
Zoning By-law Category	Limited Service	Rural	Rural
-Area (minimum)	1.0-ha	1.0-ha	1.0-ha
-Compliance?	Yes	Yes	Yes
-Frontage (minimum)	60 m	60 m	60 m
-Compliance?	No	Yes	Yes

Official Plan Designation: Rural Communities and Waterfront Communities

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.

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 3.1 Waterfront Communities, Section 3.3 Rural Communities, Section 7.4.3 Local Roads, Section 7.4.4 Private Roads.

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

Zoning By-law – Section 4.0 General Provisions, Section 6.0 Rural Zone, 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 Planning Report -

An application has been received from the County of Lanark Land Division Committee for the creation of two residential lots. The property is legally described as Concession 9 East Pt Lot 13, geographic Township Dalhousie, now in the Township of Lanark Highlands.

The purpose of applications B15/065 and B15/066 is to sever two residential building lots. B15/065 is 1.0-ha. with a seasonal dwelling with access to Maple Hollow Drive together with an easement for other properties. B15/066 is an 8.8-ha landholding with an existing dwelling and barn located at 1401 9th Concession Dalhousie. The retained parcel is a 24.2-ha vacant landholding.

The majority of the property has an Official Plan designation of Rural Communities. B15/065 has a designation of Waterfront Communities. Most of the parent property is zoned Rural (RU) a small area at the western extremity of the retained is zoned Mineral Aggregate Resource-holding (MAR-h). Part of B 15/065 is zoned as Limited Services Rural (LSR).

PROVINCIAL POLICY

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. Each of the proposed lots are privately serviced and have been previously developed.

OFFICIAL PLAN

Any application for consent must be evaluated with the policy directives of Section

8.4.2, which provides direction when considering the division of lands within the Township. The proposed lots comply with the lot size and frontage requirements of the official plan as well as other applicable official plan policies.

ZONING

Both proposed lots meet or surpass the minimum frontage and area requirements of the RU and LSR zones. B15/065 has 25.3m of water frontage but it also has 96.8m of road frontage on Maple Hollow Drive. B15/066 has a road frontage of 125m on a maintained area of Dalhousie Concession 9B.

DISCUSSION

This application, as submitted, is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law. An MDS I calculation was conducted for B15/066 which has a barn on the property. Again, this property has been previously developed.

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. (B15/066 only)

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 the 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 two lots. Severance 1 (B15/065) has an existing cottage and measures 1.0 ha with 25.3 m of water frontage; Severance 2 (B15/066) consists of an existing dwelling

and measures 1.0 ha with 10 m of water frontage. The retained land is vacant and measures 23.3 ha with 24.4 m of water frontage. The frontage on Severance 2 is separated from the development by Maple Hollow Drive.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, both of the proposed severed parcels, as well as the retained parcel have frontage on Dalhousie Lake. According to a review of MVCA Regulations Mapping, a portion of all proposed parcels are partially within the 1:100 year flood plain and the Regulation Limit (i.e. within 15 m of the flood plain) of the lake. The existing cottage on Severance 1 is beyond the flood plain and within the Regulation Limit, while the developed area on Severance 2 is beyond both regulated areas. In addition, 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. The water access area proposed for Severance 2 does not appear to be actively utilized.

REVIEW

Natural Heritage Features - Waterbody

A waterbody that supports fish habitat is considered a significant natural heritage feature. Minimum setbacks, lot sizes and water frontage are among the tools used to limit the impact of development and human activity on a waterbody, such as Dalhousie Lake.

Waterbody Setback

The municipalities' planning documents, as well as guidelines prepared in support of the Provincial Policy Statement (PPS) require a minimum setback of 30 m for development from a waterbody. This standard appears achievable on the retained land which is currently vacant. Concerning the severed lands, they are already developed with no new development proposed at this time.

Lot Size - MVCA is satisfied with the areas proposed.

Water Frontage

The subject applications propose the following water frontages: Severance 1: 25.3 m, Severance 2: 10 m. Retained: 24.4 m. These frontages are very deficient compared to MVCA's recommended minimum of 60 m for new lots, including the retained. We note that a minimum water frontage of 60 m is consistent with Section 3.1.4.3 of the municipality's Official Plan.

In part, the intent of minimum water frontage is to control the density of development on a waterbody in a manner that maintains its natural character and minimizes impacts, not only to the water quality of the lake, but also its overall environmental and recreational qualities. Therefore, without the appropriate technical studies (e.g. lake management and lake capacity plans) to assess the lakes development capacity and associated human activity, it is our opinion that density should not be intensified in a manner that is inconsistent with the tools currently in place.

Deer Yard

Guidelines (Natural Heritage Reference Manual, 2010) prepared in support of the 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 both severed lots are already developed and 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 typically recommended.

Natural Hazards

As previously mentioned, a portion of the shoreline of all resulting lots is within the 1: 1 00 year flood plain and it's Regulation Limit. However, area exists on the retained land for future development outside of these regulated areas. And, the severed lands are already developed with no new development proposed at this time. Therefore, the flood plain is not considered a constraint to the subject applications.

RECOMMENDATIONS

With all of the above in consideration, we suggest the following compromise which recognizes the existing uses, as well as the need to comply with the standards in place for water frontage:

Severance 1: Although deficient in water frontage (25.3 m), this lot has sufficient area; consists of an existing cottage; and is effectively being used as its own waterfront lot. We do not object to the creation of this lot.

Severance 2: This lot is also already developed; however water frontage (10 m) is separated from the building site by a travelled road and does not appear to be an integral part of this proposed lot. We recommend that the proposed water frontage on this parcel be removed and left with the retained lands.

We have attached an example of a modified lot line. This option helps to address density concerns by limiting water frontage and access to two developments, rather than legalizing three lots with very deficient water frontage. This is just one of several options to adjust the lot line.

Retained: Given the narrow water frontage (24.4 m) proposed in the SW corner of the retained, we suggest a condition for future development to occur beyond this area to where it starts to widen. We understand this is already the intent of the landowner.

CONCLUSIONS

MVCA does not have any objection to application B15/065 (Severance 1); however, we do not support application B15/066 (Severance 2) as currently proposed. We recommend that the proposed water frontage on B15/066 be removed and left with the retained land as per our discussion above. We also recommend the following mitigative measures on the resulting retained lands:

1. Future development, including a septic system shall be setback the greater of a minimum: A. 30 m from the high water mark of Dalhousie Lake or B. Beyond the narrow strip of land adjacent to the lake to where it widens towards the rear of the lot.

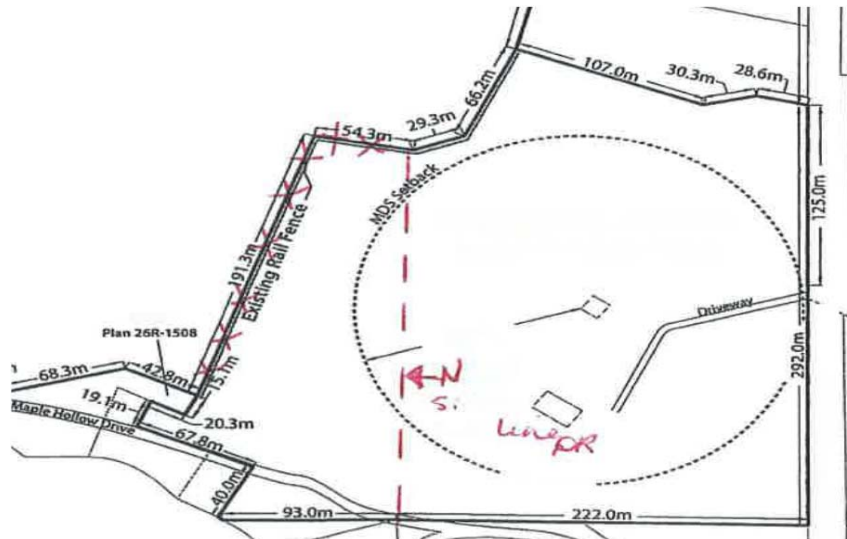
2. With the exception of a maximum 9 m wide clearing for water access, the vegetated buffer along the shoreline of the lake shall be maintained to a minimum depth of 15 m (measured towards the rear of the lot).
3. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto adjacent properties.
4. Removal of terrestrial vegetation and deer wintering habitat should be kept to the minimum required to develop the site, to a maximum of 10%.

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. As previously indicated, a portion of the subject property is located within the 1:100 year flood plain and the Regulation Limit of Dalhousie Lake. These areas are regulated under Ontario Regulation 153/06. Therefore, written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within these regulated areas. In addition, any proposed alterations to the shoreline of the lake require permission from MVCA.

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

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



Septic Office – Leeds Grenville and Lanark District Health Unit

B15/065 – a 2.48 acre parcel of land with an existing cottage serviced by a tertiary septic system and well. The land with the cottage is separated by Maple Hollow Drive. Recommendation – additional sandy loan fill will be required in the area of the replacement septic system.

B15/066 – a 21 acre parcel of land with an existing house serviced with a well and septic system. Land surrounding house area is mainly forest. There is an existing barn on property. Recommendation – additional sandy loam fill will be required in the area of the future replacement septic system.

Retained – a 57 acre parcel of land that is vacant. The land is mainly wooded forest. Land slope, drainage and soil depth can vary. Recommendation – 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**

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:

Bob and Pat McDougall – Sept 8, 2015

I, Bob Mcdougall and my wife Pat have the following concerns re the above applications.

1/ If the 8.8 h with barn and house is sold, can the new owner sever lots off Maple Hollow Drive behind Lots 19 and 20 26R74 and part 8 on 26R1508 (Tiering) and build a cottage there.

We would also like to know what the term ‘easement for others’ means re the 1.0-ha cottage lot.

We would also like to attend the public meeting once scheduled and be notified of the decision of the land division committee as well.

Gerry and Susan O’Neil – Sept 9, 2015

My name is Gerry O’Neill and I and my wife are the owners of property at 227 Maple Hollow Drive (parts 6, 7, and 8 on RP 26R74).

The severances proposed in the subject file leave us with a number of questions, if not concerns, perhaps because we are not as familiar with Lanark County land use policies as we should be.

1. Would these severances in any way affect the existing (deeded (?) right of way across these properties, a right of way upon which we depend for access to our property?
2. Where, exactly, are the proposed boundaries of B15/065 in relation to 26R74, parts 6, 7 and 8?
3. Would the severance at B15/065 permit a new permanent residence to be built on what is now farm and/or recreational properties? If so:
 - a. Would the existing seasonal dwelling be allowed to remain leaving two residences on this property?
 - b. Would this new permanent residence be limited to a single family dwelling or would it be possible to construct a multiple family dwelling

duplex/triplex/apartments)?

c. what, if any, restrictions would apply to the siting of a residence on B15/06 say, for example, a minimum setback from the southern property line to avoid septic contamination of existing or potential wells and to maintain, as far as practicable, the woodland views from those properties?

4. Could this property be used for other than residential purposes say, for example, a seasonal trailer park?

5. Could the access lane to B15/065 from Maple Hollow Lane (a private road) ever become a new private road or even a shared drive providing access to potential future severances adjacent to B15/065?

6. Finally, and from a somewhat different perspective what would be the process and administrative cost were existing Maple Hollow Drive property owners to acquire parcels of the "retained lands" in order to extend their properties northward, increasing property size towards the County's one hectare size goal?

Your responses to the above would help us determine whether or not we would need to provide recommendations to the Land Division Committee by e-mail or by appointment at your offices and at your convenience anytime on the 14th, 15th, or 16th of September.

In any event we would certainly wish to be notified as to the date and location of the public meeting and to be notified of the decision of the land use committee.

Art and Shirley Tate – Sept 11, 2015

Points of Concern:

1. Who is liable if you approve a severance such as 815/065 on a private road that doesn't meet today's private road standards? The existing right of way is less than 15 feet wide in places (has been like this for over 40 years) with no room for expansion. The existing lots along Maple Hollow Drive are already undersized. Some of the existing cottages and homes abut the right-of-way, ours included, and more traffic along Maple Hollow and through our property will further detract from the peace, quiet, enjoyment and use of our property. Any increase in traffic load will further deteriorate this very small cottage road.

2. The existing right of way on Maple Hollow was not designed to serve the farm property currently owned by Mr. & Mrs. Ramsay. The applicants have an established network of roads throughout their farm lands. The Ramsays have two roads off of Maple Hollow Drive at the back of their waterfront cottage property on their farm land (land to be severed as 815/065) that could be viewed as extensions of the existing private road, Maple Hollow Drive. What steps will prevent them or future landowners of B15/065 or of the lands to be retained from granting access via these roadways and/or extensions off of Maple Hollow Drive to others and having more people and vehicles use Maple Hollow Drive as their access to egress and ingress, e.g. rental trailer occupants, etc.

3. If the cottage severance is granted we are concerned that it could set precedence for more of same which could lead to second tier lakeshore development.

4. In discussions with some of our neighbours we have learned that there are concerns regarding the intention and long term effects these severance applications may have upon them and their property values in the event these applications are granted. We share these concerns. We would very much

appreciate being kept informed of the current process underway and request to be notified of public meetings and the Land Division Committee decision.

As you can see there are some very serious concerns and problems with this severance at this time and many unanswered questions. We thank you for the opportunity to respond to the Notice of Application for Consent.

Rick and Karyn Lessard – Sept 15, 2015

As property owners on an adjacent lot, we have the following concerns:

For B15 066 - Once severed, we assume that additional dwellings cannot be constructed - specifically between the access road (Maple Hollow) and the water front. Please confirm.

Additionally, please confirm that as there is already a principle dwelling on B15/066 currently occupied on a full time basis by Mr. and Mrs. Ramsay, that additional dwellings cannot be constructed on that package, specifically north of Maple Hollow ,and directly behind our property. (no tiering).

Please explain what the reference to the phrase "with an easement for others" when referring to the 1.0 Ha residential lot with seasonal dwelling. We have no desire to see additional traffic on this private rd.

Zac Ploughman – Sept 17, 2015

Re: Pt E Lot 13 Conc. 9 geographic Township of Dalhousie (RAMSAY)

As property owners at 223 Maple Hollow Drive, we have concerns and comments regarding this application for consent (File no: B15/065 and B15/066). The comments and concerns are as follows:

1. The plan as submitted does not reflect the true course of the private road known as Maple Hollow Drive.
2. As there are now three parcels and potentially three owners (instead of one), traffic on the private road known as Maple Hollow Road will increase significantly.
3. As we have seen in other cases, once the property changes ownership the lands will potentially be sub-divided even further resulting in more traffic and congestion.
4. More traffic and congestion on Maple Hollow Drive may necessitate widening of the road further infringing on existing property owners. Note that the existing right-of-way on my property is only 15 feet wide.
5. This proposed subdivision could allow for back-tiering cottages and homes built on the back side of Maple Hollow Drive.

Thank you for carefully considering these concerns and comments. If you have any questions regarding them, please contact us at:Email:jkbwsr@mta.ca Phone: 403-764-4056 Address: 177 Rainbow Falls Manor, Chestermere AB, T1X0M3

We would also like to be kept informed as to the status of this proposal.

Gerry and Susan O'Neil – Sept 17, 2015

For whatever reason, the promised response to my questions has yet to be received and, with the deadline date for recommendations with respect to this matter almost upon us, I believe it necessary to forward these recommendations.

1. It is recommended that these severances be effected in such a way as to maintain the existing right of way for the private road, Maple Hollow Drive, on

which I and my neighbours rely for access to our properties.

2. It is recommended that the only construction permitted on B15/065 be that associated with a single family seasonal dwelling and that only one such dwelling be permitted on the severed parcel.

3. It is recommended that any new construction be set back a minimum of 35 metres from Maple Hollow Drive, with the first 25 metres of this set back being retained as a wooded green space.

4. It is recommended that use of any entranceway to/from Maple Hollow Drive be restricted to that normally associated with a single family seasonal dwelling.

Thank-you for considering these recommendations.

Brooke and Suzanne Mitchell – Sept 17, 2015

In order to assist the Committee in its review of the above given proposal, we wish to express our concerns regarding this application as the intent of the applicants is unknown and we want to protect our property value and property rights both now and in the future. We are most concerned about the possible ramifications which could occur should the Lands Division Committee provide consent for the above listed severance applications.

The existing cottage road of Maple Hollow Drive starts at the 9th Concession B and crosses lot 12 before it reaches lot 13. The access road to our cottage is only 15 feet wide at best and this small cottage road cannot handle any more-traffic. The roadway is difficult and costly enough to maintain. The right of way is owned by numerous property owners-from lot 12 and lot 13 over whose land the right of way crosses.

At times the roadway is congested, especially during the summer months, and the road can be impassable in winter. Service vehicles have difficulty getting up and down the existing road as it is so narrow and there are areas where it is not feasible to widen the road due to steep embankments, location of rocks, large trees, hydro lines, etc. Most of the properties are already too small to accommodate widening the cottage road. Where will the liability lie if Lands Division approves this application? Surely the liability for this severance (B15/065) cannot be placed on the property owners of lot 13 and Lot 12.

We are also concerned about the installation of rental trailers and other structures which would result in more traffic access on Maple Hollow Dr. on both lot 13 and lot 12. We want to ensure that approval of this severance application does not lead to further development behind the existing cottages or back lot development, second tier waterfront development.

We are concerned the seasonal structure on B15/065 could be replaced by a multi-dwelling residence on the 1 hectare parcel. A multi-dwelling residence would result in more traffic on the tiny roadway.

Perhaps the Ramsays would consider selling land to some of the waterfront property owners so they could enlarge, their small lots. Some property owners have indicated they would be interested in such an offer.

We ask to be notified of all public meetings and of the decision of the Land Division Committee in respect of the proposed consent. Our mailing address is given above or we can be reached by e-mail at bmitchell@westborofflooring.com

We thank you for sending us the Notice of Application for Consent and look-

forward to hearing back from you regarding the Committee decision.

Blaine Hertz – Sept 18, 2015

I am interested in any public meeting to do with attached application.

I am interested on how the proposed severed lands will be accessed.

(NOTE – a comprehensive response was provided by the Secretary-Treasurer to the questions asked was provided to the above noted adjacent landowners.)

Also see B15/124 – Stewart consent application for comments rec'd from Mary Chapman which were received in response to B15/124 circulation. Ms. Chapman also provided comments on B15/065 and B15/066.

(d) PLANNING REVIEW

Background and Summary

The proposal is to sever a 1.02-ha residential lot with an existing seasonal dwelling t/w a r-o-w / easement over Maple Hollow Drive and an 8.79-ha with an existing dwelling, barns and outbuildings with access to 9th Con B Dal and to retain 23.29-ha vacant landholding with access to North Shore Road. The applications are being submitted concurrently with B15/124 (Stewart) in order to provide access along Maple Hollow Drive to the Municipal Road (9th Con B Dal.) for B15/065.

Application B15/066 indicates a very narrow (10.05m) strip of land, which will access Dalhousie Lake. The Conservation Authority has expressed concerns with this access. Committee may wish to consider requesting the applicant to revise that lot layout to remove the water access as shown on the sketch provided by the Conservation Authority.

The subject lands are located in an area characterized by typical seasonal residential on smaller type lots along the shore of Dalhousie Lake and larger type landholdings along 9th Con B Dal and North Shore Road.

B15/065 is accessed via Maple Hollow Drive, a private road and B15/066 is accessed via 9th Con B Dal, a municipally maintained road with the retained lands being accessed via North Shore Road, a municipally maintained road. A number of comments were received on the condition and width of the private r-o-w providing access to B15/065. Any changes to the private road would require a separate consent application to deal with increased width. If undertaken, this would involve a new survey of the private road and a revision to all transfer/deeds that currently have a legal right to the existing r-o-w to include the additional private road width. The users of private roads are encouraged to enter into a 'Joint Use and Maintenance Agreement'.

Soils Inventory – Name: Monteagle

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

Tennyson
moderately
6 – pasture only
well drained
moderate

Bedrock Inventory – marble, calc-silicate

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.

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 lots. The MDS indicated a minimum setback of 121 m. This MDS setback is all contained on the severed lands – B15/066.

Deer Yard

The subject property is located within the locally known 'Dalhousie Lake 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).

Archaeological

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

Dalhousie Lake

A "State of the Lake Environment Report" was undertaken on Dalhousie Lake in 2001 and 2006. The reports were able to conduct a comparison between water quality conditions as they existed in 2001 and 2006, and the results obtained through the years since 1975. In general the water quality in Dalhousie Lake is good. Water Clarity (TKN) as measured by Secchi Disc for 2006 was 4.1 metres indicating that Dalhousie Lake is a moderately enriched (some nutrients) or mesotrophic lake. Total Phosphorus Loading (TP) calculations indicate a moderately enriched, or mesotrophic lake.

The dissolved oxygen and temperature data at the deepest point in the main basin indicate oxygen concentrations in the deep water portion are poor by mid-September. Every effort should be made to reduce nutrient loading into the lake from land activities. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

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 has been established by the Township of Lanark Highlands.

Zoning

The subject property is currently within the rural and limited service rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. B15/066 meets the minimum lot frontage and size; however B15/065 does not meet the minimum frontage, but does meet the minimum lot size. The applicant should obtain a minor variance for B15/065 to legally establish the water frontage. 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 objections raised by the Conservation Authority to B15/066, but none of the other agencies that were circulated regarding this proposal. Committee may wish to request that B15/066 be revised to eliminate the access to Dalhousie Lake. 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 – December 14, 2015**

The Secretary-Treasurer advised that the hearing for B15/065 and B15/066 and B15/124 would be heard concurrently as B15/124 related solely to B15/065 and B15/066 and could not stand alone.

Tracy Zander, agent, Gerry & Susan O'Neil and Bob McDougall, adjacent landowners attended the hearing and gave evidence by affirmation.

Ms. Zander provided a brief background on the applications – B15/065 is to create a new seasonal type lot with access along Maple Hollow Drive (a private road), B15/066 is to separate the existing dwelling and outbuildings from the vacant lands, and B15/124 is to provide legal access for B15/065 and B15/066 over Maple Hollow Drive where it crosses Lot 12.

Ms. Zander also advises that since submitting application B15/065, Mr. Ramsay has been approached by a landowner to the west of this lot, to obtain addition lands at the rear of their property. An agreement has been made and Mr. Ramsay will be submitting a subsequent application for lot addition.

Mr. McDougall expressed concerns with any future usage of Maple Hollow Drive as this private road is very narrow. And questioned if he would lose his right to traverse Maple Hollow Drive. The chair advised that through the conditions, anyone that has an existing legal right of access that these will continue.

Mr. O'Neill questioned as to what would prevent further consents on the retained lands. The chair advised that the current Official Plan policies prevent this, as the landholding has reached its maximum of 2 lots plus 1 retained.

Ms. Zander confirmed that B15/124 is to provide legal access over Maple Hollow Drive where is crosses lot 12 is for B15/065 and B15/066 only.

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.

B15/065 – water front 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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated September 28, 2015.
4. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
5. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
6. The deed of land required by condition #1 above shall recognize any easements that currently exist.
7. The deed of land required by condition #1 above shall include the right-of-way / easement being created by consent application B15/124 (Stewart).
8. 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.
9. 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.
10. 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.
11. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
12. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
13. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for the Township of Lanark Highlands either by way of an amendment to the Zoning By-law or a minor variance.
14. 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.
15. A letter shall be received from the Township of Lanark Highlands stating that condition #8 through #14 has been fulfilled to their satisfaction.

NOTES

1. *Residents and users of Dalhousie Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loan fill will be required in the area of the replacement septic system and in the future tile bed area on the retained lands.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should*

immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.

4. *The 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.*
5. *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.*
6. *The Mississippi Valley Conservation Authority recommends the following mitigative measures on the resulting retained lands:*
 - a. *Future development, including a septic system shall be setback the greater of a minimum: A. 30 m from the high water mark of Dalhousie Lake or B. Beyond the narrow strip of land adjacent to the lake to where it widens towards the rear of the lot.*
 - b. *With the exception of a maximum 9 m wide clearing for water access, the vegetated buffer along the shoreline of the lake shall be maintained to a minimum depth of 15 m (measured towards the rear of the lot).*
 - c. *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto adjacent properties.*
 - d. *Removal of terrestrial vegetation and deer wintering habitat should be kept to the minimum required to develop the site, to a maximum of 10%.*
7. *The MVCA also advise that a portion of the subject property is located within the 1:100 year flood plain and the Regulation Limit of Dalhousie Lake. These areas are regulated under Ontario Regulation 153/06. Therefore, written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within these regulated areas. In addition, any proposed alterations to the shoreline of the lake require permission from MVCA.*
8. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
9. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

The Ministry of Natural Resources 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.

B15/066

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
9. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
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 #5 through #10 has been fulfilled to their satisfaction.

NOTES

1. *Residents and users of Dalhousie Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loan fill will be required in the area of the replacement septic system and in the future tile bed area on the retained lands.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
4. *The 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.*
5. *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.*
6. *The Mississippi Valley Conservation Authority recommends the following mitigative measures on the resulting retained lands:*
 - a. *Future development, including a septic system shall be setback the greater of a minimum: A. 30 m from the high water mark of Dalhousie Lake or B. Beyond the narrow strip of land adjacent to the lake to where it widens towards the rear of the lot.*
 - b. *With the exception of a maximum 9 m wide clearing for water access, the vegetated buffer along the shoreline of the lake shall be maintained to a minimum depth of 15 m (measured towards the rear of the lot).*
 - c. *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto adjacent properties.*
 - d. *Removal of terrestrial vegetation and deer wintering habitat should be kept to the minimum required to develop the site, to a maximum of 10%.*
7. *The MVCA also advise that a portion of the subject property is located within the 1:100 year flood plain and the Regulation Limit of Dalhousie Lake. These areas are regulated under Ontario Regulation 153/06. Therefore, written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within these regulated areas. In addition, any proposed alterations to the*

shoreline of the lake require permission from MVCA.

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

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

The Ministry of Natural Resources 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: Barbara Stewart

Hearing Date: December 14, 2015

Agent: ZanderPlan Inc.

LDC File #: B15/124

Municipality: Lanark Highlands

Geographic Township: Dalhousie

Lot: 12

Conc.: 9

Roll No.: 0940 003 030 13901

Consent Type: R-O-W / Easement

Purpose and Effect:

To provide for an easement over the private road known as Maple Hollow Drive, which crosses Pt. Lot 12 Conc. 9 Dalhousie, in favour of the lands potentially being created through consent application B15/065 and B15/066.

Official Plan Designation: Rural Communities, Waterfront Communities

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.

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 3.1 Waterfront Communities, Section 3.3 Rural Communities, Section 7.4.3 Local Roads, section 7.4.4 Private Roads.

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

Zoning By-law – Section 4.0 General Provisions, Section 6.0 Rural Zone, 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 Planning Report - INTRODUCTION

An application has been received from the County of Lanark Land Division Committee to provide for an easement over the private road known as Maple Hollow Drive, which crosses Pt. Lot 12 Concession 9, Dalhousie, in favour of the lands potentially being created through consent applications 815/065 and 815/066 (Ramsay)

OFFICIAL PLAN

Section 4.5.4 of the Official Plan, provides for development to occur along a private roadway as long as the right of way is registered on title and provision has been made for individual or private maintenance solutions. The property owners should be aware that the Township is under no obligation to service or maintain the right of way.

ZONING

The lands are zoned as Rural and Limited Services Rural. This application is not impacted by zoning.

DISCUSSION

This application is being made together with to secure access to an existing private road so that the future owners of the potentially severed lot will have legal access to their property. The proposal is consistent with township land use policy and is supported by staff. Township staff was consulted with respect to this application. Comments were received from the Fire Chief which recognized the potential need to "brush" back the private road to ensure that fire trucks could access the newly created lot. The Township's private road standard states a road bed of 15 feet across. It is recommended that the applicants attempt to brush back the road as much as possible to achieve this.

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 private road should be maintained to a minimum 15ft. wide clearance to allow the passage of emergency vehicles.

(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:

Mary Chapman – October 8, 2015

Upon review of this notice, I am concerned that Maple Hollow Drive (only a 6 meter wide privately owned and maintained right of way), will be incurring additional traffic which may cause accelerated erosion to a portion of my creek which is only approximately 3 meters from the edge of the current road.

I am asking the committee to perhaps, in their deliberations, to provide protection to this area by suggesting to the applicant to utilize some of the current 20.88 meter wide assigned right of way, as shown on Plan 26R- 734, to provide a buffer in this section.

Also, because the above file was raised due to applications B15/065 and 815/066, Part East Half of Lot 13, 9th Conc. 8 Dalhousie. I have also reviewed these and have the following observations to make.

File B15/066 - within a flood plain zone. To access this proposed severance (S1), the applicant needs to cross two privately owned portions of maple hollow drive and should be made responsible to share the costs associated with snow clearance and maintenance of the road. Also, as it is not known what the intentions are for the retained lands, it should be stipulated that there will be no further accesses allowed off Maple Hollow Drive causing additional traffic load on this 6 meter wide right of way or provide for back lot development (tiering).

Any new accesses to the retained lands should be from the North Shore Road, and the applicant be advised that any creation of new lots from either severed or retained parcels, or any future divisions of these properties be by registered plan of subdivision.

File B15/065 the portion of this proposed severance where it abuts Dalhousie Lake is in a flood plain zone.

All the above applications for retained and proposed severances are within a deer yard. The applicant has already disrupted the natural vegetation by tree cutting and should be advised that the Ministry of Natural Resources be contacted before any further disruption occurs. Also while during the deer season dogs are prohibited to run at large.

I would appreciate the Land Division Committee give due consideration to my attempt to highlight some additional details and concerns that affect myself and some of my neighbours about these applications, and to use the suggestions in your deliberations as conditions in granting your approvals.

I would like to take this opportunity to request to be informed of when the public meeting is to take place, and be notified of the decision of the committee. Thank you.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to provide for an easement over the private road known as Maple Hollow Drive, which crosses Pt. Lot 12 Conc. 9 Dalhousie, in favour of the lands potentially being created through consent application B15/065 and B15/066.

If the Committee revises application B15/066 to eliminate the water access, the r-o-w / easement would be in favour of B15/065 only.

The r-o-w accesses onto 9th Con B Dal., a municipally maintained road. With regards to the condition and width of the private r-o-w, any changes to the private road would require a separate consent application to deal with increased width. If undertaken, this would involve a new survey of the private road and a revision to all transfer/deeds that currently have a legal right to the existing r-o-w to include the additional private road width. The users of private roads are encouraged to enter into a 'Joint Use and Maintenance Agreement'.

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 has been established by the Township of Lanark Highlands.

Zoning

The subject property is currently within the rural section of the Zoning By-law. The application is not affected by zoning.

Conclusion

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 – December 14, 2015

The Secretary-Treasurer advised that the hearing for B15/065 and B15/066 and B15/124 would be heard concurrently as B15/124 related solely to B15/065 and B15/066 and could not stand alone.

Tracy Zander, agent, Gerry & Susan O'Neil and Bob McDougall, adjacent landowners attended the hearing and gave evidence by affirmation.

Ms. Zander provided a brief background on the applications – B15/065 is to create a new seasonal type lot with access along Maple Hollow Drive (a private road), B15/066 is to separate the existing dwelling and outbuildings from the vacant lands, and B15/124 is to provide legal access for B15/065 and B15/066 over Maple Hollow Drive where it crosses Lot 12.

Ms. Zander also advises that since submitting application B15/065, Mr. Ramsay has been approached by a landowner to the west of this lot, to obtain addition lands at the rear of their property. An agreement has been made and Mr. Ramsay will be submitting a subsequent application for lot addition.

Mr. McDougall expressed concerns with any future usage of Maple Hollow Drive as this private road is very narrow. And questioned if he would lose his right to traverse Maple Hollow Drive. The chair advised that through the conditions, anyone that has an existing legal right of access that these will continue.

Mr. O'Neill questioned as to what would prevent further consents on the retained lands. The chair advised that the current Official Plan policies prevent this, as the landholding has reached its maximum of 2 lots plus 1 retained.

Ms. Zander confirmed that B15/124 is to provide legal access over Maple Hollow Drive where is crosses lot 12 is for B15/065 and B15/066 only.

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 lands being severed are for r-o-w purposes only in favour of the lands being created by Application B15/065 and B15/066 – Ramsay, Pt Lot 13 Conc. 9 Dalhousie.
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 Lanark Highlands.
5. 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.
6. 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.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Township of Lanark Highlands advises that the private road should be maintained to a minimum 15 foot wide clearance to allow the passage of emergency vehicles.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Dorothy M J Lewis

Hearing Date: Dec 14, 2015

Agent: ZanderPlan Inc

LDC File #: B15/119

Municipality: Drummond / North Elmsley

Geographic Township: Drummond

Lot: 26/27

Conc.: 6

Roll No.: 0919 919 015 17500

Consent Type: New Lot

Purpose and Effect: To sever a 14.2-ha residential lot and retain a 15.02-ha residential lot.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	14.27-ha	15.02-ha
Frontage	335.7 m	335.7 m
Depth	Irregular	irregular
Road - Access to	Municipal	Municipal
Water Supply	Proposed well	Proposed Well
Sewage Disposal	Septic system	Septic System
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural, significant woodlands, aggregate overlay

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, prime 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.

2.5 Mineral Aggregate Resources

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

Section 2.5.2.4 Mineral aggregate operations shall be protect from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

Section 2.5.2.5 In known deposits or mineral aggregate resources or on adjacent lands, development and activities which would preclude or under the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of:
 b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, 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 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 7 Rural Zone.
 The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report -

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 one 14.3 ha (35 acre) lot from a 29.3 ha (72 acre) forested property at the eastern edge of the Township, south of Mississippi Lake. The subject property fronts on both Tennyson Road and Jericho Road (the latter of which forms the boundary with Beckwith Township) and the lot is currently vacant, with a mix of upland woodlands, plantation woodlands and some wet lands. The severed lot will front on Tennyson Road, which is a municipally owned and maintained road and the retained land will front on both Tennyson and Jericho.

According to information available, two previous lots were severed from the lot of record in 1989 and 1991 and as such, the Official Plan's lot creation policies would allow consideration of an application here. In support of the application, an Environmental Impact Study prepared by Hans von Rosen was submitted which evaluated the impacts of development on the natural heritage features identified on the site.

Policy Review

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the new Provincial Policy Statement. Staff reviewed this application against the policies of the Township's Official Plan and note the following:

- Sec. 4.3 (Rural Designation): This Section is supportive of "limited" residential

development provided that it is appropriate and compatible in its rural setting. The Lewis property is located in a densely wooded area of the Township, with some limited agricultural development nearby. There are also approximately 10 residences on Tennyson within close proximity of the severed land and most of these are built into their wooded setting, thus minimizing the visual impact of the linear development. Given the size of the severed lot and the intention to retain the existing tree cover (described below), the addition of a potential future residence here would not create a visual impact of strip development. Staff are of the view that the division of this large lot in two is compatible and consistent with this rural context, provided that the conditions referenced in this report are implemented through any consent approval.

- Sec. 3.13.5 (Significant Woodlands): Potentially significant woodlands are identified on the entire landholding. This section does not allow development within or adjacent such an area unless there will be no negative impacts on the natural features for which the forested area is considered significant. In accordance with the Plan, an EIS was prepared and which identified appropriate building areas in the pine plantation along Tennyson Road on both the severed and retained lands. In this area, impacts on crucial natural heritage values (as outlined in the PPS) would not be harmed. It should also be noted that there is a stream and a large wetland on the property that while not classified as Provincially Significant should still be protected from development. These matters can be addressed through a development agreement binding on all future owners and implemented at the time of eventual construction.
- Sec. 3.10.3 (Natural Hazards): The unclassified wetlands identified on the subject lands would be considered natural hazards. Accordingly development should be directed away from that feature.
- Sec. 3.11.2 (Influence Areas): A portion of the severed lands are within a 300 m influence area of an aggregate reserve area. This reserve (designated as a pit) starts just to the south of the property and extends most of the way down to Concession 58. The purpose of the influence area is to ensure that sensitive development does not encroach on and create a land use compatibility issue in the event the deposit is ever extracted. In this case a significant area on the severed and retained lands close to Tennyson Road is outside this influence area and the policy would accommodate development there.
- Sec. 5.3 (Local Roads): Tennyson Road is a Township owned and maintained road intended to serve a low amount of traffic that has its origin or destination on the road. Road widening dedications are required if the surveyed width of the allowance is less than 20 m.

From a zoning perspective, the severed lands and the retained lands are zoned Rural and this application is consistent with all applicable provisions of the Township's Zoning By-law.

Conclusion and Recommendation

Upon review of this application, staff are of the view that this application is consistent with the Township's planning policies and recommend that the Land Division Committee consider approving the lot, 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 confirm that residential entrances are viable for the severed and retained lots. The applicant shall consult directly with the Township in this regard.
- 4) The Applicant shall obtain Civic Address Numbers from the Township of Drummond/North Elmsley for the severed and retained lots. The applicant shall consult directly with the Township in this regard.
- 5) The applicant shall enter into a development agreement with the Township to:
 - recognize and implement the findings and recommendations of the Environmental Impact Statement prepared by Pinegrove Biotechnical dated August 14, 2015; and
 - implement the natural heritage recommendations contained in the report of the Mississippi Valley Conservation Authority dated October 20, 2015.
- 6) 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 – Mississippi Valley Conservation Authority
Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion. An Environmental Impact Study (EIS), prepared by Pinegrove Biotechnical, dated August 14, 2015 was reviewed as part of the application.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (1) vacant lot measuring 35.3 ac and retain a vacant lot measuring 37.1 ac.

PROPERTY CHARACTERISTICS

A review of available GIS mapping shows that a relatively large unclassified wetland bisects the central portion of the severed and retained lands. In addition, McGibbon Creek flows through a portion of this wetland, on both the severed and retained lands. We note that the EIS identifies Significant Woodlands on the subject property.

REVIEW**Natural Heritage Values - Wetland**

We understand that the wetland has not been evaluated by the Ministry of Natural Resources; therefore, it is 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. 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 any wetland is recommended.

Sufficient area appears to exist on both resulting lots to accommodate new development with a setback of 30 m from the unclassified wetland. Therefore, impacts to the wetland are not anticipated as a result of the subject application. We note that the EIS also recommends a 30 m setback from the edge of the wetland.

Natural Heritage - Waterbody

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the Provincial Policy Statement, a minimum development setback of 30 m is recommended from any waterbody and watercourse. This standard appears achievable, on both resulting lots, from the creek identified.

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 and retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 m from the watercourses and wetland.
2. The shoreline vegetation surrounding the wetland and watercourse 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 wetland or onto adjacent properties. In order to achieve this, eaves troughing shall be installed and outlet away from the wetland to a leach pit or well-vegetated area to maximize infiltration (as per the EIS).
4. Future development shall be directed away from wetland areas consisting of organic soils.
5. The wetland shall remain undisturbed.

NOTES

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 McGibbon Creek.

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed Lot – approximately a 35.3 acre vacant parcel of land consisting of mixed vegetation, bush land and wetlands. Soil depth, slope, and drainage variable.

Some areas subject to high water table and seasonal high water table.

Recommendations – fill will be required to construct a raised septic system.

Amount of fill required will depend on exact location of system.

Retained lands – approximately a 37.1 acre vacant parcel of land consisting of mixed vegetation, bush land and wetlands. Soil depth, slope and drainage variable. Some areas subject to high water table and seasonal high water table.

Recommendation – Fill will be required to construct a raised septic system.

Amount of fill required will depend on exact location of system.

Township of Beckwith – no comments were received.

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 a 14.2-ha residential lot and retain a 15.02-ha residential lot. Both lots are currently vacant. Two previous consents were granted on these lands – 1989 and 1991.

The subject lands are located in an area characterized by rural residential on a mixture of land sizes along Tennyson Road.

The severed lands are accessed via Tennyson Road and the retained lands could be accessed from either Tennyson or Jericho Road, both municipally maintained road.

Soils Inventory – Name: mixture of Tennyson, Innisville, Farmington and muck.

Bedrock Inventory – conglomerate, sandstone, shale.

Due to the proximity of natural heritage features and nature hazard features – significant woodlands, habitat, aggregate resource, the applicant was required to have an Environmental Impact undertake. This was completed in August 20015 by Pinegrove Biotechnical and review by the Conservation Authority. The EIS

concluded that, provided the proposed severance does not result in applications for development in the South East section of the retained land and further provided that potential future building envelopes in the red pine plantation fronting Tennyson Road include a setback from the wetland edge, that no harmful impacts on Natural Heritage Values can be foreseen. The report also recommended conditions to mitigate against future impact with regards to residential development (1) that the building enveloped be setback 30 m from the wetland edge, and that all roof run-off of future building be captured by eave trough and led into ground infiltration pits (French drains).

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. 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', including a red pine plantation care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies has 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 – November 16, 2015

Tracy Zander, agent attended the hearing and gave evidence by affirmation.

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 (survey) 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. 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 October 20, 2015 and the EIS prepared by Pinegrove Biotechnical dated August 14, 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.

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 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 and retained 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 for the severed and retained lots. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of 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 Mississippi Valley Conservation Authority stating that condition #3 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill will be required to construct a raised septic system on the severed and retained lands.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Mississippi Valley Conservation Authority advises 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 McGibbon Creek.*

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: Alan E & Ulla T Murphy

Hearing Date: Dec 14, 2015

Agent: Alan and Ulla Murphy

LDC File #: B15/080

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 19

Conc.: 10

Roll No.: 0911 916 030 26301

Consent Type: New Lot

Purpose and Effect: To sever a 1.87-ha residential building lot and retain a 1.78-ha residential lot located at 232 Ennis Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1.87-ha	1.78-ha
Frontage	123 m	209 m
Depth	170 m	169 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed Well	Private Well
Sewage Disposal	Proposed Septic	Septic System
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.405-ha	0.405-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural and PSW

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 2.21 Natural Heritage Features, Section 2.22 Water Supply, Sewage Disposal, Section 3.4 Natural Heritage, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2.3 Consent Policies.

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 10 Rural Zone

Tay Valley Township advises that the proposal complies with the Zoning By-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report -

BACKGROUND

The proposal is to sever a 1.7 ha vacant residential lot. The retained lot is 1.65 ha with an existing dwelling and outbuildings located at 232 Ennis Road.

DISCUSSION

Consistent with Provincial Policy Statement Yes

Conforms to Official Plan Yes

Complies with Zoning By-Law Yes

Recommend consent for this application Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Payment of \$100 Cash-in-Lieu of Parklands
- A Development or Site Plan Control Agreement be required reflecting the mitigation suggestions of the Environmental Impact Study.

Advisory Notes

- No development is to occur within 30 metres of a waterbody.

PROVINCIAL POLICY STATEMENT

No concerns as an Environmental Impact Study (EIS) was undertaken with respect to the Provincially Significant Wetland (PSW) identified by the Mississippi Valley Conservation Authority (MVCA) on the lot.

OFFICIAL PLAN - Section 3.6 Rural; Residential use is permitted.

ZONING BY-LAW - Section 10.1 Rural: Both lots meet the requirements for the Rural zone for frontage and area (123m road frontage for the severed; 209m road frontage for the retained). Sixty metres is the minimum required frontage. One hectare is the minimum lot size required for a single dwelling lot in a Rural zone; two hectares is required for other Rural uses.

CONSERVATION AUTHORITY

Mississippi Valley Conservation Authority (MVCA): MVCA visited the site and analysed an EIS prepared because of the proximity of proposed PSW.

"Notwithstanding that the Ministry of Natural Resources (MNRF) is the authority in assessing the boundary of PSW's, MVCA concur with the revised boundary suggested by the author of the EIS, as well as their recommendations and mitigative measures. Sufficient area appears to exist for development on the proposed severed lands beyond the recommended 30 m setback from the revised boundary of the PSW."

SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) confirmed that the new lot as proposed will not interfere with the ability to install and operate an Ontario Building Code (OBC) compliant sewage system greater than 30m from a surface water body on either lot.

CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed below.

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, payment of \$100.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands.

The Planner for Tay Valley has advised that the following two recommended standard conditions were missed being included within the Township reply.

5. That, the applicant shall provide confirmation of the title to the road adjacent to both the severed and retained lots. If the road should be owned by the Township, but the title is incorrect, the Township shall be responsible for the costs relating to the survey of the road, and the applicant shall be responsible for all other costs to correct the title.
6. Sufficient lands shall be dedicated to the Township of Tay Valley along the frontage of the lot to be severed to meet the Township's road widening requirements at no cost to 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 MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion. An Environmental Impact Study (EIS), prepared by Pinegrove Biotechnical, corrected August 15, 2015 and Addendum dated May 14, 2015 was reviewed as part of the application.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (1) vacant lot measuring 1.79 ha and retain a developed lot measuring 1.65 ha.

PROPERTY CHARACTERISTICS

A review of available GIS mapping shows that a significant portion of the severed land is comprised of the Bennett Lake wetland which has been classified by the Ministry of Natural Resources (MNR) as a Provincially Significant Wetland (PSW). This feature extends onto a portion of the retained lands as well. Almost the entire subject property is within the 120 m adjacent lands to the PSW.

REVIEW

Natural Heritage Features - PSW

The Provincial Policy Statement (PPS) requires that new development, including lot creation, 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 on the ecological functions of this feature. In order to address this requirement, an EIS was provided.

In summary, the EIS concluded that the northern boundary of the PSW is not as extensive as depicted on GIS mapping. The EIS also concluded that the No negative impacts upon Natural Heritage Features can be foreseen with various mitigative measures. A minimum development setback of 30 m from the adjusted boundary of the PSW was recommended.

Notwithstanding that MNR is the authority in assessing the boundary of PSW's, MVCA has visited the subject property and concur with the revised boundary suggested by the author of the EIS, as well as their recommendations and mitigative measures. Sufficient area appears to exist for development on the proposed severed lands beyond the recommended 30 m setback from the revised boundary of the PSW.

RECOMMENDATIONS & CONCLUSION

MVCA does not have any objection to the proposed severance provided the following mitigative measures are adhered to:

As per the EIS:

- That the future residential building is placed in the north-east corner of Part 4, 30 m or more from the edge of the adjusted boundary of the PSW.
- That disturbed soils are to be re-seeded to a grass/clover mixture prior to September 1st of the year of construction.
- That all future roof run-off be captured by eve-troughs, and led into ground

re-infiltration pits.

- That with the exception of building footprint, milkweed plants are protected from eradication.

Additional MVCA Recommendations:

- Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to the proposed development.
- Any change in grade on the subject property shall not result in a change to the existing drainage to and from the PSW.
- During Site Construction:
 - Sturdy construction fencing or similar barrier shall be installed between the work area and a minimum of 30 m from the boundary of the PSW, in order to ensure that construction equipment remains within the areas of active construction and does not cross into the natural areas to be retained.
 - Woody vegetation shall not be removed between May 15th and July 10th unless a breeding bird survey is conducted.
 - 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 MNR should be contacted immediately and activities should be modified to avoid impacts until further direction is provided by MNR.

NOTES

The applicant should be advised that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to any work on the proposed severed lands, including development or regarding activities. In addition, written permission is required from MVCA prior to any proposed interference within 120 metres of the PSW on the retained lands.

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

Ministry of Natural Resources and Forestry

Thank you for providing the Ministry of Natural Resources and Forestry (MNR) an opportunity to review the Environmental Impact Study by Pinegrove Biotechnical dated March 23, 2015 submitted for the consent application B15/080 (Alan Eric Murphy and Ulla Teresa Murphy) on the subject property.

It is our understanding that the application is to sever approximately 16 ha of land for a future building lot and to retain approximately 13 ha of land where there is an existing residence and outbuildings. The severance application identified a PSW on or within 120 m subject to an easement in favour of the Mississippi Valley Conservation Authority over part 5. Parts 4 and 5 are intended to be severed and part 6 retained .

Natural heritage features

MNR Kemptville District significant woodland mapping shows that the proposed severed lands may contain significant woodlands. As the 2014 Provincial Policy Statement directs that significant woodlands must be identified using provincial criteria, the Natural Heritage Reference Manual should be referenced to determine

whether significant woodlands are present on the ground for the property. The EIS did not identify whether significant woodlands were present or absent from the property.

Bennett Lake Provincially Significant Wetland is on the property, covering part 5 of the proposed area to be severed. The severance itself will not have any impacts on the PSW, but future construction on the severed property may have negative impacts on the wetland. Appropriate mitigation measures should be undertaken at the time of construction (for example, construction of sediment fences and a building envelope setback). The EIS states that a building envelope is available outside of a 30 metre buffer from the wetland. The farthest corner of Part 4 is approximately 100 metres from the currently mapped PSW boundary; therefore, the entire severed property is considered adjacent to the PSW.

Species at Risk (SAR)

All Endangered and Threatened species at risk receive protection under section 9 of the Endangered Species Act, 2007 (ESA) and receive general habitat protection under Section 10 of the ESA. The creation of a new lot under the Planning Act does not require an authorization under the ESA. However, any development or site alteration activities that would be permitted through the creation of a new lot (e.g. single detached dwelling or vegetation removal) may require an authorization from MNRF if it would contravene Sections 9 or 10 of the ESA. Before any development or site alteration activity begins, the MNRF should be consulted to determine how the habitat may be affected and to ensure compliance with the Act. It is the responsibility of the proponent to ensure that species at risk are not killed, harmed, or harassed; or their habitat is not damaged or destroyed through the activities carried out on the site.

The EIS states that Blanding's Turtle may be present in the area. This species is known to travel several kilometres over land, so the area subject to building at a distance of 300 metres from the wetland (as identified by the EIS) may still be considered Blanding's Turtle habitat. The EIS also states that the property may provide Whip-poor-will habitat.

Breeding bird surveys may show that species of special concern have habitat on the property, which would indicate the presence indicates significant wildlife habitat. Species of special concerns should also be considered when surveys are undertaken for endangered and threatened species at risk, prior to any disturbance to the potential habitat on the severed site.

No species at risk surveys were conducted on the subject property, and therefore, no conclusions may be drawn at present regarding the presence or absence of species at risk habitat on the subject lands.

Note that the EIS refers to the 2005 Provincial Policy Statement (PPS), but should speak to the policies of the 2014 PPS.

(NOTE – the May 2015 the EIS consultant undertook the additional work outlined by the MNRF, which included whip-poor-will assessment and confirmation of the PSW boundary.)

Septic Office – Mississippi-Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring

of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted August 6, 2015.

The applicant proposes to sever 1.7 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is currently vacant, well treed and border by a wetland to the South. No test pits were provided.

The retained parcel is 1.65 hectares. The property is developed with a dwelling and several outbuildings. The topography is similar to the proposed lot with the wetland bordering to the North. The dwelling is serviced by a well and sewage system (SF45497). No test pits were provided.

The MRSSO recommends:

- A surveyed site plan is produced to clearly identify the wetland boundary and the proposed development - including the sewage system.

The new lot as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from a surface water body, on either lot. Given the above information, our office has no objections to the severance as proposed.

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

Hydro One Networks – No comments were received.

Bell Canada R-O-W – 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 a 1.87-ha residential building lot and retain a 1.78-ha residential lot located at 232 Ennis Road. This original lot was created in 1977, which predates the lot creation date of January 1, 1991.

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

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

Bedrock Inventory – tectonites, straight gneisses

Due proximity to the Bennett Lake PSW an EIS was undertaken by Pinegrove Biotechnical in March and May 2015. The EIS was reviewed by the MVCA and MNRF. The EIS concluded that no Species at Risk will be harmfully impacted by the proposed development and that there appears to be adequate space north-east of the PSW rated area to provide a setback from the wetland edge or 30 m or

greater for the building envelope.

Archaeological

The lands are located within 300 m of Primary Water Source (Bennett Lake and Fall River) 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 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. 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, 1991.
- 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 has been established by Tay Valley Township.

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 Tay Valley Township and could be given favourable consideration.

(e) MINUTES – December 14, 2015

Alan and Ulla Murphy, owners 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 (survey) 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. That the reference plan (survey) as required in condition #1 clearly identify the wetland boundary and the proposed building envelope, including the sewage system area.
4. The applicant shall provide the Mississippi Rideau Septic System Office with a copy of the reference plans associated with this application.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. 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.

7. 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.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. Payment shall be made to Tay Valley Township representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
10. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
11. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
12. That, the applicant shall provide confirmation of the title to the road adjacent to both the severed and retained lots. If the road should be owned by Tay Valley Township, but the title is incorrect, the Township shall be responsible for the costs relating to the survey of the road, and the applicant shall be responsible for all other costs to correct the title.
13. Sufficient land for Road Widening purposes shall be deeded to Tay Valley Township 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 Road Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
14. A letter shall be received from Mississippi Rideau Septic System Office stating that condition # 3 and #4 has been fulfilled to their satisfaction.
15. A letter shall be received from Tay Valley Township stating that condition #3 through #13 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from a surface water body and respect all required Ontario Building Code setback and construction requirements.*
2. *The Mississippi Valley Conservation Authority advises that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to any work on the proposed severed lands, including development or regarding activities. In addition, written permission is required from MVCA prior to any proposed interference within 120 metres of the PSW on the retained lands.*
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 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.

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

Owner: John O'Neil, Maureen Dzitars,
Susan Hitchcock

Hearing Date: Dec 14, 2014

Agent: John O'Neil

LDC File #: B15/095

Municipality: Tay Valley

Geographic Township: North Burgess

Lot: 18

Conc.: 8

Roll No.: 0911 911 015 10800

Consent Type: New lot

Purpose and Effect: To sever a 0.66-ha residential lot with an existing seasonal dwelling located at 744 Pike Lake Route 1C together with an easement/r-o-w over Pike Lake Lane 1 & 1C and to retain a 29.75-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Seasonal dwelling	Vacant
Proposed Use	Seasonal dwelling	Vacant
Area	0.66-ha	29.75-ha
Frontage	60 m	547 m
Water frontage	60 m	66.4 m
Depth	110 m	734 m
Road - Access to	Private Road	Private Road
Water Supply	Lake	None
Sewage Disposal	Septic System	None
Zoning By-law Category	Rural - Requires re-zoning to Seasonal Residential	Rural
-Area (minimum)	0.405-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural, Organic Soils

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.

2.4 Minerals and Petroleum

Section 2.4.1 Minerals and petroleum resources shall be protected for long-term use.

2.5 Mineral Aggregate Resources

Section 2.5.2.1 As much of the mineral aggregate resources as is realistically

possible shall be made available as close to markets as possible.

Section 2.5.2.4 Mineral aggregate operations shall be protect from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

Section 2.5.2.5 In known deposits or mineral aggregate resources or on adjacent lands, development and activities which would preclude or under the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

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 2.18 Archaeological Resources, Section 2.21 Natural Heritage Features, Section 2.22 Water Supply, Sewage Disposal and Other Service, Section 3.3 Mineral Resource, Section 3.4 Natural Heritage, Section 3.6 Rural, 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 re-zoning will be required to change the land use from Rural to Residential Limited Services to recognize the new lot as being on a private road.

(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 0.66 ha lot as a seasonal residential lot with an existing cottage, on Pike Lake Route 1C. The retained lot is 29.17 ha and is currently vacant.

DISCUSSION

Consistent with Provincial Policy Statement	Yes
Conforms to Official Plan	Yes
Complies with Zoning By-Law	Yes, once re-zoned
Recommend consent for this application	Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Payment of \$200 Cash-in-Lieu of Parklands
- Rezoning to Residential Limited Services will be required to permit creation of a lot on a private road on waterfront.

Advisory Notes

- 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.

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural - permits residential use.

Section 2.19.2 Organic soils - prohibits development in organic soils but these are located in the southern part of the lot and do not affect the proposed severed lot.

Section 2.17.1.2 Land Use Compatibility - requires a setback of 150-300m from a pit. The setback is met for the proposed lot.

Section 5.2 .3.4 Consent policies - requires lots created by consent to front onto public roads.

However, waterfront residential lots are permitted on private roads if the lot is zoned to Residential Limited Services (RLS).

ZONING BY-LAW

Section 10.1 Rural. The retained lot meets the requirements for the Rural zone for frontage (60 m for the severed lot and 66.4m for the retained lot) and area (6,600 m² for the severed lot and 29.5 ha for the retained). The severed lot meets the requirements for the Seasonal Residential (RS) zone but would need to be rezoned to RLS.

CONSERVATION AUTHORITY

Rideau Valley Conservation Authority (RVCA) does not object provided there is no disturbance within 30m of the wetland, watercourse or Pike Lake. Specifically for

the proposed severed lot the RVCA recommends retirement of the lawn within 10m of the lake.

SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) has no objection.

CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed in the Staff Recommendation section below.

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, payment of \$200.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands.
5. Rezoning Of the severed to lot to Residential Limited services will be required.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has reviewed this application considering;

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act.
- The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act, the considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study" and the related "Municipal Site Plan Evaluation Guidelines",
- The Tay River Subwatershed Report (Pike Lake Catchment Summary).

The Proposal

The application seeks approval to sever the existing waterfront cottage from the larger vacant land holding, in effect, creating a new lot (110m deep X 60 metres waterfront and .66 ha in area) with a retained parcel of undeveloped lands (irregular depth up to 734 deep X 66.4 metres waterfront and 29.75 ha in area).

The Property

The proposed lot to be created has an existing serviced cottage, accessory building, privy and dock on-site. The area on the proposed severed lot between the cottage and water has been cleared of all but a scattering of maturing hard and softwood shade trees and is maintained as an ornamental lawn to the water.

The retained lot is a large irregular parcel traversed by a hydro service-line and by Pike Lake Route 1, and also traversed by two minor watercourses which outlet via a notable unevaluated wetland occupying much of the south portion of the retained parcel. The retained lot is substantially a natural area west of the small manmade boat slip (marked as an "existing natural inlet" on the survey) which we understand to be marking the lot line between the severed and retained lots.

The soil cover on the retained land is fast draining over the steeper upper slope

areas to sluggishly drained low grade area at the shore- particularly the east end of the retained lot. Slope conditions warrant the minimum 30 metre setback for disturbance as far as site scoring for water setback is concerned through the Site Evaluation Guideline process we follow.

Comments/Recommendations

As you know, we look to achieve the best possible environmental outcome for the lake; a no net decline in recreational water quality and prevention of sediment and erosion as a result of development or re-development.

The water setback scoring for disturbance and development on this site considering soil, vegetation cover and slope would be a minimum of 30 metres from the high water mark of the lake. Some consideration should be included as to the location of the existing service lines (i.e. setback for development should consider the location of the services entering from the lake and also across the property.

For the owner's information, the Pike Lake Catchment Summery (Tay Subwatershed Report) indicates that the Water Quality Rating for Pike Lake is "Good"; nutrient concentrations are typically below provincial guidelines. Nutrient enrichment can be a problem in lakes as it may lead to profuse algal blooms and abundant plant growth.

Pike Lake may be characterized as a lake with clear waters and low nutrient levels with good fish habitat conditions as determined by temperature and oxygen data. Abundant aquatic vegetation (macrophytes) may occur, but the lake should generally have good aesthetics for recreational use. While the lake is healthy, there is a potential for the aquatic ecosystem to be impacted by increasing nutrients and poor oxygen levels. Residents should consider the cumulative effect of their activities on the lake and what can be done to about it. Best management practices undertaken as part of new development proposals and through ongoing site stewardship will assist in maintaining current water quality standards of this lake.

In summary, the Rideau Valley Conservation Authority does not object to the consent provided a 30 metre no disturbance setback from the wetland, watercourse and lake must be respected for any new development or disturbance on the vacant lands.

In the case of the proposed severed lot (developed parcel) we would not support any additional development which would reduce the existing setback. We also recommend that the lawn be retired either through passive means or by planting with native vegetation cover within approximately 10 metres of the water. The RVCA has planting programs through our main office (1800 267 3504) for the Rural Clean Water Program or Shoreline Stewardship Program to assist.

For the owners' future reference, as regards to flood and erosion and recreational water quality protection considerations of the RVCA, the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) also requires the written approval of the RVCA in the future prior to straightening, changing, diverting, or interfering with the watercourses and shoreline of Pike Lake. Any new shoreline works (such as, but not limited to shoreline protection or docking/access) requires prior written

approval from our office.

Please advise us on the Township's decision respecting this application or any changes in the status of the application and do not hesitate to contact the undersigned should you have any questions regarding our comments.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted October 2, 2105. The applicant proposes to sever a parcel, approximately 0.66 hectare in area, for the purpose of creating a new lot. The proposed area to be severed is developed with a single storey dwelling and shed. The dwelling is serviced by a Class 4 sewage system (Permit#P30980) and a Class 1 earth pit privy. The leaching bed for the Class 4 system appears to be at least 6.5m from the proposed property line, based on information provided by the applicant and our site visit. No test pits were provided.

The retained parcel is approximately 29.75 hectares. The property is currently vacant and well treed with areas of exposed bedrock and steep slopes. No test Pits were provided.

The topography and area for both the severed and retained lots will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies. Given the above information, our office has no objections to the severance as proposed.

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

Pike Lake Cottage Association – 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 0.66-ha residential lot with an existing seasonal dwelling located at 744 Pike Lake Route 1C together with an easement/r-o-w over Pike Lake Lane 1 & 1C and to retain a 29.75-ha vacant landholding.

The subject lands are located in an area characterized by typical seasonal residential landholdings on small waterfront lots, with large back-lots.

The lands are accessed via Pike Lake Lane 1, a private road, which adjoins Stanley Road, a municipally maintained road. The users of private roads are encouraged to enter into a 'Joint Use and Maintenance Agreement'.

Bedrock Inventory – granodiorite, granite

Archaeological

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

Mining

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

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.

Pike Lake

A 'State of the Lake Environment Report' was undertaken on Pike Lake between 2001 and 2008. The report was able to conduct a comparison between water quality conditions as they existed in 2008, to results obtained 35 years earlier. In general the lake is in reasonably good shape. Test results for the lake vary greatly, depending on weather conditions of the previous year, winter temperatures, spring runoff and temperature and precipitation pattern through the spring and into the summer. The sampling over time has not provided a definitive pattern to the elevated nutrient concentrations. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Neither species were detected. Precautions need to be taken to avoid the spread of invasive species from other lakes.

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, 1991.
- 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, which permits a number of uses, including single-detached dwellings, but not on a private road. A re-zoning will be required to allow the lot and development to occur on a private road.

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 – December 14, 2015

John O'Neil, 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.

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
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. Payment shall be made to Tay Valley Township representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
11. The lot to be severed 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. *The Rideau Valley Conservation Authority advises that in the case of the proposed severed lot (developed parcel); the RVCA would not support any additional development which would reduce the existing setback. RVCA also recommends that the lawn be retired either through passive means or by planting with native vegetation cover within approximately 10 metres of the water. The RVCA has planting programs through our main office (1800 267 3504) for the Rural Clean Water Program or Shoreline Stewardship Program to assist.*
2. *In addition, the RVCA advise, as regards to flood and erosion and recreational water quality protection considerations the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) also requires the written approval of the RVCA in the future prior to straightening, changing, diverting, or interfering with the watercourses and shoreline of Pike Lake. Any new shoreline works (such as, but not limited to shoreline protection or docking/access) requires prior written approval from our office.*

3. *The applicant is encouraged to prepare a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the private road. A copy of the agreement to be provided to the future purchasers of the lot.*
4. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.*
5. *The applicant / 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.*
6. *Residents and users of Pike Lake encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from other lakes.*
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: Jaroslav & Olga Ovtsyn

Hearing Date: Dec 14, 2015

Agent: Jaroslav Ovtsyn

LDC File #: B15/117

Municipality: Beckwith

Geographic Township: Beckwith

Lot: 4

Conc.: 6

Roll No.: 0924 000 020 00900

Consent Type: New lot

Purpose and Effect: To sever a 16.19-ha landholding and retain a 22.96-ha landholding. The lands are accessed via 7th Line Beckwith.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Vacant	Vacant
Area	16.19-ha	22.96-ha
Frontage	99 m	83 m
Depth	1050 m	1328 m
Road - Access to	Municipal	Municipal
Water Supply	None proposed	None proposed
Sewage Disposal	None proposed	None proposed
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural and wetlands

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 4 General Development Policies, Section 6.5 Rural Land, Section 7.3 Local Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 11 Rural Zone, Section 13 Wetlands.

The Township of Beckwith advises 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

EXECUTIVE SUMMARY

The applicant previously discussed this severance application with the Committee in March, 2015. The Committee indicated they had no objections to the application. The formal application reflects what was previously discussed with the Committee. The applicants propose to sever approximately 40 acres from the subject lands. The proposed severance would conform to the minimum lot area and frontage requirements.

DESCRIPTION OF APPLICATION

Severance application to create an approximately 40 acre parcel on rural lands on the 7th Line.

DESCRIPTION OF SUBJECT LANDS

The subject lands are currently vacant with a number of older barns or outbuildings. The northern half of the property is currently used for agricultural crops but aerial imagery suggests that a greater portion of the property was used for agricultural uses in the past.

The southern portion of the property is naturally vegetated with provincially significant wetlands accounting for the southern-most 19 acres.

PROVINCIAL POLICY STATEMENT

Section 1.1.4 and 1.1.5 regard Rural Areas and Rural Lands, respectively. These policies require municipalities to require development that reflects the rural nature of the area and servicing requirements. These policies recognize the important of resources in the rural areas and strive to ensure that these resources remain available for future use. The proposed severance does not appear to hinder any rural development, although it would appear to reduce the future agricultural potential of the retained lands by removing one of the crop-producing fields.

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.

Section 2.1 regards Natural Heritage. The property contains significant wetlands; however the proposed application does not enter into this area. The proposed severance would provide a building envelope beyond the required 120m setback.

OFFICIAL PLAN

The Township's Official Plan permits a maximum of three severances from a 100 acre land holding. The subject lands have been severed twice, leaving a third and final severance.

There are a number of barns in the surrounding area, however given the size of the proposed severance, it is clear that a building envelope will be possible. Two MDS calculations were completed and there are no concerns.

Staff mentioned to the property owner that a smaller severance would mean a larger retained parcel, which would encourage agricultural uses. There do not appear to be any policies within the OP that would specifically require a smaller severance to preserve agricultural potential of lands that are designated Rural. The property owners elected to submit a severance application for approximately 40 acres.

ZONING BY-LAW

The lands are largely zoned Rural with the southern-most 19 acres being zoned Wetlands. The proposed severance exceeds the minimum lot size and frontage requirements. MDS calculations indicate there are no land use conflicts.

OPTIONS I ANALYSIS

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:

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 is feasible for the proposed retained lands.

Notes:

- That all buildings and 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 circulated the above noted application to conduct a review in terms of the 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 16.19 ha, and retain a lot measuring 22.96 ha, with an existing barn.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping, aerial photography, and a site visit by MVCA staff, a Provincially Significant Wetland (PSW) referred to as Black Creek Wetland extends into the rear of the proposed retained lands. Unclassified wetland extends from the PSW further into the rear of the retained lands. A portion of the proposed severed lot is within the 120 m adjacent lands to the PSW and is also within 30 m of the unclassified wetland. No other natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Values

Provincially Significant Wetland

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. Potential impacts are typically assessed through the preparation of an Environmental Impact Statement (EIS). However, it is our opinion that there is limited value in conducting an EIS at this time given that sufficient area exists on the retained and severed lands for future development beyond the 120 m adjacent lands.

However, in the event that future development is proposed within the adjacent lands of the PSW, an EIS may be required at that time to evaluate the proposal.

Wetland

We recognize that the unclassified wetland which extends from the PSW has not been evaluated as provincially significant. 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 any wetland is recommended. This standard appears achievable on the proposed severed and retained land.

Natural Hazards

Organic Soils

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 subject application. Adequate area appears to exist for future development in a manner that will not impact the natural heritage features identified. We recommend the following mitigative measures for future development on the proposed severed and retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 m from the unclassified wetland.
2. Future development, including a septic system shall be setback a minimum of 120 m from the boundary of the PSW. Otherwise, if future development is proposed within 120 m of the PSW, an Environmental Impact Statement may be required to evaluate the proposal.
3. The shoreline vegetation along the boundary of the unclassified wetland and PSW shall be retained to a minimum depth of 15 m.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unclassified wetland, PSW, or onto adjacent properties.

NOTES

A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources and Forestry 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 interference within 120 m of the PSW.

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed Lands – A 16.19 hectare parcel of vacant farm land. Land slope and drainage may vary over the 16.19 ha. Recommendations – additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 22.96 hectare parcel of agricultural field. There is an existing barn on the parcel. Recommendation – 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 – No comments were received.

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 a 16.19-ha residential landholding and retain a 22.96-ha residential landholding. Both lots are currently vacant.

The subject lands are located in an area characterized by large rural lots intermixed with smaller type residential lots along the 7th Line Beckwith.

The lands are accessed via 7th Line Beckwith, a municipally maintained road.

Soils Inventory – North Portion

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

South Portion

- Farmington
- Slightly Stony
- 6 – Pasture Only
- well drained
- moderate

Bedrock Inventory – Dolostone, sandstone

Agricultural Operations

Due to two agricultural operations being located in the area, the applicant was required to submit information to calculate the Minimum Distance Separation for

the proposed lots. The MDS indicated a minimum setback of 203 m from the farm buildings on the easterly side (Poulos), while the actual distance from the barn to the closest proposed lot line is shown by the applicant as 183 m. The MDS indicate a minimum of 162 m from the farm buildings on the westerly side (Lewis), while the actual distance from the barn to the closest proposed lot line is shown by the applicant as 183 m. Sufficient lands are located on both the severed and retained lands to accommodate a building envelope outside the existing MDS setback, however prior to a building permit being issued the Township will require a final MDS Calculation. If approved 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 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 has 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 – December 14, 2015

No persons attended the hearing.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of 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. The applicant confirms with the Township of Beckwith's Public Works Superintendent that an entrance is feasible for the proposed retained lands.
7. A letter shall be received from the Township of Beckwith stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority recommend the following mitigative measures for future development on the proposed severed and retained lands:*
 - a) *That future development, including a septic system shall be setback a minimum of 30 m from the unclassified wetland.*
 - b) *Future development, including a septic system shall be setback a minimum of 120 m from the boundary of the PSW. Otherwise, if future development is proposed within 120 m of the PSW, an Environmental Impact Statement may be required to evaluate the proposal.*
 - c) *The shoreline vegetation along the boundary of the unclassified wetland and PSW shall be retained to a minimum depth of 15 m.*
 - d) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unclassified wetland, PSW, or onto adjacent properties.*
2. *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 interference within 120 m of the PSW.*
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 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.*
5. *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 on the severed and retained lands.*
6. *The Township of Beckwith will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*

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: Frank and Elsbe Steffen

Hearing Date: Dec 14, 2015

Agent: same

LDC File #: B15/121

Municipality: Tay Valley

Geographic Township: North Burgess

Lot: 17

Conc.: 4

Roll No.: 0911 911 020 25400

Consent Type: Lot addition

Purpose and Effect: To sever a 10.1-ha landholding as a lot addition to lands owned by St. Anthony Coptic Orthodox Monastery at 608 Miners Point Road and to retain a 75.3-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Vacant	Vacant
Area	10.1-ha	75.3-ha
Frontage	336 m	225 m
Depth	301 m	1.59 km
Road - Access to	Municipal	Municipal
Water Supply	None	None
Sewage Disposal	none	None
Zoning By-law Category	Rural	Rural
-Area (minimum)	n/a – lot addition	0.405-ha
-Compliance?		Yes
-Frontage (minimum)		60 m
-Compliance?		Yes

Official Plan Designation: Rural and organic soils

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.

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 3.5 Natural Hazard, Section 3.6 Rural, Section 4.4 Township 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 10 Rural Zone.

Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report -

BACKGROUND

The proposal is to sever 10.1 ha as a lot addition to lands owned by St Anthony Coptic Monastery at 608 Miner's Point Road . The retained lot is 75.3 ha and is currently vacant. The lot addition would give the Monastery property adequate frontage on an improved road as required by the Zoning By-Law. No development is proposed at this time.

DISCUSSION

Consistent with Provincial Policy Statement	Yes
Conforms to Official Plan	Yes
Complies with Zoning By-Law	Yes
Recommend consent for this application	Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan

Advisory Notes

- 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. If development is proposed within 120 m of the Provincially Significant Wetland (PSW) in the future an EIS may be required. No development or draining of the PSW is to occur.

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural - permits a place of worship which is the use of the land the proposed severance would be an addition to. Section 2.21.1.2 Wetlands, ANSIs and Adjacent Lands requires an Environmental Impact Statement be undertaken to determine if there will be negative impacts on the natural feature from development.

ZONING BY-LAW

Section 10.1 Rural: Both lots meet the requirements for the Rural zone for frontage (336 m for the severed and 225 m for the retained) and area (10.1 ha for the severed and 75.3 ha for the retained).

CONSERVATION AUTHORITY

Rideau Valley Conservation Authority (RVCA) - no objection as no development is proposed for the lot addition as it is intended to provide frontage on a public road for an existing lot. RVCA noted the need for a possible Environmental Impact Statement if development is proposed in the future. (A pocket of Provincially Significant Wetland had been identified on the property that was not included in the

Official Plan at the time of the application.)

SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) - no objection.

CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed below.

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 shall provide confirmation of the title to the road adjacent to both the severed and retained lots. If the road should be owned by the Township, but the title is incorrect, the Township shall be responsible for the costs relating to the survey of the road, and the applicant shall be responsible for all other costs to correct the title .

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
 - Section 3.1 Natural Hazards
- of the Provincial Policy Statement under Section 3 of the Planning Act, and;
- per the Rideau Valley Conservation Authority's Ontario Regulation 174-06 under Section 28 of the Conservation Authorities Act.

We offer the following comments for the Committee's consideration:

Proposal

The application seeks approval for a 10 hectare lot addition fronting on Miner's Point Road to the adjacent property to provide the receiving parcel with municipal road frontage. No new development is proposed as a result of the transfer of lands. There is no physical change in access as a result of the proposed lot addition.

The Property

Surface drainage through the majority of lot addition flows through low pockets of wetland and connecting channels to the east and south, through the variable shield terrain and feeds directly into Big Rideau Lake.

There is a drainage divide at the north end of the proposed lot addition such that the majority of both the retained and recipient properties drain north to Black Creek and wetland before draining south to the lake. As a result of the drainage configuration, it appears that the majority of lot addition lands are contained within the Big Rideau Lake subwatershed while a small portion of the lands (Including a small area along the north boundary of the lot addition) may be contained in the Black Creek Wetland Complex drainage area.

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to the proposed lot addition. Since there is no change in use and no site activity proposed at this time, we do not perceive the requirement of an Environmental Impact Statement (EIS) as value-added in terms of the environmental review.

We recommend that the following conditions be provided for if approval is granted for this lot addition:

As a small portion of the lot addition lands may be situated within the provincially significant Black Creek Complex and/or its adjacent lands, per provincial policy, it should be specified that no development or site alteration is permitted in the provincially significant wetland area.

Future development within the 120 metre adjacent lands to the wetland complex will require an Environmental Impact Statement and related regulatory approval from the RVCA.

Rezoning/re-designation is required to recognize the provincially significant wetland areas as identified in current mapping. Site plan control will be required adjacent to waterbodies to address natural heritage features protection such that there will be no negative impacts resulting from any new/redevelopment.

As a general note, at this time, the RVCA generally recommends for a 30 metre minimum setback for disturbance pertaining to wetlands not designated as provincially significant.

Please also note in general, that written permission from the Rideau Valley Conservation Authority is also required for alteration to the watercourse / waterbodies, per Ontario Regulation 174-06 ("Development, Interference with Wetlands and Alteration to Waterways" Regulation).

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned should you have any questions. Please forward a copy of the Committee's decision as available.

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever 25 acres (10.117 ha) for the purpose of a lot addition to 608 Miners Point Road. The lot is vacant, brush covered with pockets of trees, exposed bedrock and a wetland area in the south west portion of the proposed parcel. No test pits were provided.

The retained parcel is approximately 186 acres (75.271 ha). The lot appears to be vacant. The retained lot has areas of open field, wetlands, dense tree cover and areas of exposed bedrock. No test pits were provided.

Given the above information, our office has no objections to the transfer as proposed.

(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 10.1-ha landholding as a lot addition to lands owned by St. Anthony Coptic Orthodox Monastery at 608 Miners Point Road and to retain a 75.3-ha vacant landholding. The purpose of the lot addition is to provide road frontage along an opened and maintained municipal road, thereby permitting the Monastery to further develop the property

The subject lands are located in an area characterized by large landholding along Miner's Point Road and smaller type seasonal lots to the south along the Big Rideau Lake.

The lands are accessed via Miner's Point Road, a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – granodiorite, granite

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, 1991.
- 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 has been established by Tay Valley Township.

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. 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 – December 14, 2015**

Frank and Elsbe Steffen, owners and Karen Cameron, agent for the purchaser attended the hearing and gave evidence by affirmation.

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 (survey) 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 St. Anthony Coptic Orthodox Monastery described as Part Lot 16 Conc. 4 North Burgess, 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 Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Tay Valley Township with a copy of the deed/transfer for the property.
8. The applicant shall provide confirmation of the title to the road adjacent to both the severed and retained lots. If the road should be owned by Tay Valley Township, but the title is incorrect, the Township shall be responsible for the costs relating to the survey of the road, and the applicant shall be responsible for all other costs to correct the title.
9. A letter shall be received from Tay Valley Township stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that a small portion of the lot addition lands may be situated within the provincially significant Black Creek Complex and/or its adjacent lands, per provincial policy, no development or site alteration is permitted in the provincially significant wetland area.*
2. *The RVCA also advise that future development within the 120 metre adjacent lands to the wetland complex will require an Environmental Impact Statement and related regulatory approval from the RVCA.*
3. *Also, the RVCA advise that rezoning/re-designation is required to recognize the provincially significant wetland areas as identified in current mapping. Site plan control will be required adjacent to waterbodies to address natural heritage features protection such that there will no negative impacts resulting from any*

new/redevelopment. As a general note, at this time, the RVCA generally recommends for a 30 metre minimum setback for disturbance pertaining to wetlands not designated as provincially significant.

4. *The RVCA note that written permission from the Rideau Valley Conservation Authority is also required for alteration to the watercourse / waterbodies, per Ontario Regulation 174-06 ("Development, Interference with Wetlands and Alteration to Waterways" Regulation).*
5. *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. If development is proposed within 120 m of the Provincially Significant Wetland (PSW) in the future an EIS may be required. No development or draining of the PSW is to occur.*
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

Owner: Doyle Salewski / 2131690 Ont. Ltd **Hearing Date:** Dec 14, 2015
Agent: Ralph Shaw **LDC File #:** B15/126
Municipality: Carleton Place
Geographic Township: n/a **Lot:** 11 & 12 **Plan:** 1594
Roll No.: 0928 020 035 04900 **Consent Type:** New Lot

Purpose and Effect: To sever a 375.6 sq.m. residential lot at 132 Beckwith Street and retain a 586.8 sq.m. commercial lot at 137 Bridge Street. The lands were inadvertently merged on title.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Residential	Commercial
Proposed Use	Residential	Commercial
Area	375.6 sq.m.	586.81 sq.m.
Frontage	15.38 m	15.38 m
Depth	24.422 m	38.154 m
Road - Access to	Municipal	Municipal
Water Supply	Piped Water	Piped Water
Sewage Disposal	Sewage System	Sewage System
Development Permit By-law Category	Downtown District	Downtown District
-Area (minimum)	Nil	Nil
-Compliance?	Yes	Yes
-Frontage (minimum)	Nil	Nil
-Compliance?	Yes	Yes

Official Plan Designation: Downtown district

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 Design Framework, Section 3.2.1 Downtown District, Section 4.3.3 Transportation, Section 4.3.5 Water, Waste Water and Stormwater Services, Section 6.7.2 Consents.
The Town of Carleton Place advises that the proposal complies with the designations and policies of the Official Plan.

Development Permit By-law – Section 3.0 General Provisions, Section 4.1 Downtown District, Section 14.0 Built Form Design.
The Town of Carleton Place advises that the proposal complies with the Development Permit By-law Category.

(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 Planning Report -

SUMMARY

A consent application has been received for the property known municipally as 137 Bridge Street and 132 Beckwith Street. The subject lands are legally described as Part Lot 11 and 12, Plan 1594.

The consent application is to sever a 375.6 square metre lot designated as Downtown District with frontage on Beckwith Street while leaving a 586.8 square metre retained lot also designated as Downtown District on Bridge Street. Both the proposed retained and severed lots are deemed Downtown District in both the

Town of Carleton Place Official Plan and Development Permit By-law.

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 on 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 throughout the province.

Section 1.0 of the statement, Building Strong and Healthy Communities stresses efficient development patterns by supporting infill development, utilizing existing infrastructure and promoting opportunities to create a varied built form.

Section 2.0 of the statement protects resources and Section 3.0 outlines policies to direct development away from areas of potential hazards.

The proposed severance complies and is consistent with policy directions found within the Provincial Policy Statement.

The Official Plan designation for this property is Downtown District (Section 3.2.1). This section speaks to the maintenance of the traditional downtown main street centered on pedestrian traffic.

The Town of Carleton Place Development Permit By-law 15-2015 also designates this property as Downtown District (Section 4.1). The Development Permit By-law notes under this section that this designation is to provide a flexible regulatory framework designed to ensure preservation or enhancement of the area while at the same time furthering economic activity and increased residential use.

Both the retained and severed lot have existing frontages and meet the required setbacks of the Development Permit By-law.

COMMENT

The proposal, if approved, will allow for a correction of title. Originally this lot had been severed into two but they have since merged together. This application is to correct this issue. The lots are both appropriately designated in both the Official Plan and Development Permit By-law.

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 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 be submitted to the Town of Carleton Place.
- 5) 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 the severed and retained parcels that there is;

- Adequate frontage along the maintained roads;
 - Adequate access along the maintained roads; and
 - Compliance with the Ontario Building Code
- 6) That Cash-in-Lieu of parkland payment be made to the Town of Carleton Place.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

Subsequent to review of the above noted Consent Application by our Engineering Department it has been identified that Bell Canada will require a 10m wide easement corridor measured 5 m on either side of the existing aerial facilities to protect our existing facilities, supply service to the properties and to maintain service in the area.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction will be the responsibility of the owner.

We hope this proposal meets with your approval and we look forward to the Owner or their Solicitor contacting us.

(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 owner proposes to sever a 375.6 sq.m. residential lot at 132 Beckwith Street and retain a 586.8 sq.m. commercial lot at 137 Bridge Street. The lots were historically two separate lots on a registered plan of subdivision (Plan 1594), but were inadvertently merged on title when purchased by the previous registered owner.

The subject lands are located in an area characterized by typical commercial along Bridge Street and a mixture of residential and commercial along Beckwith Street. The effect of the lot creation is to correct an error in transfer/deed registration.

The lands are accessed via Bridge Street and Beckwith Street, both 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 utilizes a 'tree preservation plan' to maintain tree coverage within the town's limits.

Development Permit

The subject property is currently within the Downtown District section of the development Permit By-law, which permits a number of commercial uses, including residential dwelling existing as of the date of passing of the by-law. Any re-development of either lot will require compliance with the Development Permit By-law or an amendment thereto.

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 the Town's 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 – December 14, 2015

No persons attended the hearing.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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. A 10 metre wide easement corridor (measured 5 metres on either side of the existing aerial facilities) shall be granted to Bell Canada. All costs associated with this transaction will be the responsibility of the owner.
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 Carleton Place.
5. The applicant to provide a digital copy of the registered reference plan in a NAD83 datum format to the Town of Carleton Place.
6. 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.
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 the severed and retained parcels that there is:
 - Adequate frontage along the maintained road
 - Adequate access along the maintained road.If the plan does not comply with the Development Permit By-law, an application to amend the by-law will be required.
8. Payment shall be made to the Town of Carleton Place representing the amount satisfactory to the Town in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
9. A letter shall be received from Bell Canada stating that condition #3 has been fulfilled to their satisfaction.
10. A letter shall be received from the Town of Carleton Place stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Town of Carleton Place advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Barbara Louise King

Hearing Date: Dec. 14, 2015

Agent: John Lianga

LDC File #:

Municipality: Tay Valley

Geographic Township: Bathurst

Lot: 4

Conc.: 5

Roll No.: 0911 916 020 00902

Consent Type: Lot Addition

Purpose and Effect: To sever a 437.5 sq.m. parcel of land as a lot addition to lands owned by John Lianga at 576 Brooke Valley Road and retain a 1.02-ha landholding at 580 Brooke Valley Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Driveway	Residential
Proposed Use	Driveway	Residential
Area	437.5 sq.m.	1.02-ha
Frontage	None	66.86 m
Depth	82.5 m	157 m
Road - Access to	Municipal	Municipal
Water Supply	n/a	Private Well
Sewage Disposal	n/a	Septic System
Zoning By-law Category	Rural	Rural
-Area (minimum)	n/a – lot addition	0.405-ha
-Compliance?		Yes
-Frontage (minimum)		60 m
-Compliance?		Yes

Official Plan Designation: Rural and Mineral Resource

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.

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 Policies, Section 3.3 Mineral Resource, Section 3.6 Rural, Section 4.1 General Transportation, 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 10 Rural Zone.

Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner’s Report -

BACKGROUND

The proposal is to sever 437.5 m2 as a lot addition to a 9.7 ha residential lot at 576 Brooke Valley Road. The retained lot is 1.03 ha with an existing dwelling and outbuildings located at 580 Brooke Valley Road. The purpose is to align the lots with the fence line.

DISCUSSION

Consistent with Provincial Policy Statement	Yes
Conforms to Official Plan	Yes
Complies with Zoning By-Law	Yes
Recommend consent for this application	Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural (with organic soils and mineral resources on parts); Residential use is permitted.

ZONING BY-LAW

Section 10.1 Rural: Both lots meet the requirements for the Rural zone for frontage (67m lot being severed and 150m lot being added to; the frontage is not affected for either lot) and area (20 ha lot being added to and 1 ha for the lot losing the 437m²).

CONSERVATION AUTHORITY

Rideau Valley Conservation Authority was not required to comment.

SEPTIC AUTHORITY

Mississippi Rideau Septic System Office (MRSSO) was not required to comment.

CONCLUSION

The Planner recommends that consent be granted to this application subject to the conditions and advisory notes listed in the Staff Recommendation section.

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."

(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 437.5 sq.m. parcel of land as a lot addition to lands owned by John Lianga at 576 Brooke Valley Road and retain a 1.02-ha landholding at 580 Brooke Valley Road for the purposes of obtaining the land on which the driveway to Mr. Lianga's property is located.

The subject lands are located in an area characterized by typical rural residential on larger type lots.

The lands to be enlarged are accessed via Brooke Valley Road, 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. 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, 1991.
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. The proposal is not affected by zoning regulations as the use (driveway) has been established.

Conclusion

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 – December 14, 2015

John Lianga, applicant attended the hearing and gave evidence under oath.

Mr. Lianga explained that the over time he had made a circular driveway around some scrub trees, and that a portion of this driveway encroached on the King property. And that now he felt it was time to legalize the driveway, in case he wanted to sell his property or the King's decided to sell their property.

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 (survey) 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 John Lianga described as Part 1 and 2, Plan 27R-1874, being Part Lot 4 Conc. 5 Bathurst, 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 Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that condition #3 through #7 has been fulfilled to their satisfaction.