



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, April 12, 2010 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**Chair:** R. Strachan

**1. CALL TO ORDER**

A quorum was present.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None.

**3. APPROVAL OF MINUTES**

**MOTION #LD-2010-014**

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

**"THAT,** the minutes of the Land Division Committee meeting held on March, 2010 be approved as circulated."  
**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2010-015**

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

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

**5. DELEGATIONS & PRESENTATIONS**

None.

**6. COMMUNICATIONS**

None

**7. REPORTS**

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

**7.1.1 B09/118 – Frederick (Ted) Thomas – New Lot**

Pt Lot 1 Conc. 9, geographic Township of Darling, now in the Township of Lanark Highlands. (Tatlock Road).

**MOTION #LD-2010-016**

**MOVED BY:** C. Tyson

**SECONDED BY:** D. Murphy

**“THAT B09/118 be deferred pending receipt and review of an Environmental Impact Statement by the Conservation Authority.”**

**ADOPTED**

**7.1.2 B10/012 – Keith Larocque – New Lot**

Pt Lot 16 Conc. 2, geographic Township of Dalhousie, now in the Township of Lanark Highlands (Dal. 2<sup>nd</sup> Conc.).

**7.1.3 B10/014 & B10/015 – Bob McFarlane – 2 new lots**

Pt Lot 20 Conc. 6, Township of Montague (Rosedale Road North)

**7.1.4 B10/024 – Glenn Ireton – New Lot**

Pt Lot 22 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley (Highway No. 7).

**7.2** Applications Previously Heard and Awaiting a Decision

**7.2.1 B09/099 & B09/100 – Jeff Jackson – 2 new lots**

Pt Lot 15 Conc. 6 geographic Township of Lanark, now in the Township of Lanark Highlands. (Wolf Grove Road)

**MOTION #LD-2010-017**

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

**“THAT** B09/100 be deferred pending review of the revised entrance location by the County of Lanark Public Works Department.” **ADOPTED**

**7.2.2 B09/110 & B09/111 – Howard Farrell – 2 new lots**

Pt Lot 12 Conc. 8, geographic Township of North Burgess, now in Tay Valley Township (Narrow’s Lock Road).

**8. CONFIDENTIAL REPORTS**

None.

**9. NEW/OTHER BUSINESS**

**9.1** 2009 Annual Report – the second draft report was presented and committee provided additional amendments. Budget and year-end data to be completed for the next meeting. Minor revision were made.

**MOTION #LD-2010-018**

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

**“THAT**, the 2009 Annual Report be adopted for presentation to the Lanark County Community Development Committee.” **ADOPTED**

**10. PUBLIC HEARING:**

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

**10.1 PROVISIONAL CONSENT GRANTED**

**10.1.1** B10/012 – Keith Larocque – New Lot

**10.1.2** B10/014 & B10/015 – Bob MacFarlane 2 New Lots

**10.1.3** B10/024 – Glenn Ireton - New Lot

**10.1.4** B09/099 – Jeff Jackson Contracting – New Lot

**10.1.5** B09/110 and B09/111 – Howard Farrell – 2 new lots

**11. UPCOMING MEETINGS**

Monday, May 17, 2010 @9:00 a.m.,  
Monday, June 21, 2010 @9:00 a.m.,  
Monday, July 19, 2010 @9:00 a.m., and  
Monday, August 23, 2010 @9:00 a.m.

**12. ADJOURNMENT – 11:35 a.m.**

A handwritten signature in black ink, appearing to read "Mary Kirkham". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**

**LAND DIVISION STAFF REPORT  
APPLICATION FOR CONSENT**

**Owner:** Keith Joseph Larocque & Carrie Constant Larocque      **Hearing Date:** April 12, 2010  
**Agent:** Gary Chaplin  
**LDC File #:** B10/012  
**Municipality:** Lanark Highlands  
**Geographic Township:** Dalhousie      **Lot:** 16      **Concession:** 2  
**Roll No.** 0940-002-025-08600      **Consent Type:** New Lot

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**Purpose and Effect:**

To sever a 1.22-ha residential building lot and retain a 5.16-ha landholding with an existing dwelling and outbuildings. The lands are accessed via Sugar Bush Way. This application is a re-submission of Application B08/056 which was allowed to lapse.

| <b>DETAILS OF PROPOSAL</b>                    | <b>Land to be Severed</b>      | <b>Land to be Retained</b> |
|---|--------------------------------|----------------------------|
| <b>Existing Use</b>                           | Vacant                         | Residential                |
| <b>Proposed Use</b>                           | Residential                    | Residential                |
| <b>Area</b>                                   | 1.22 ha                        | 5.16 ha                    |
| <b>Frontage</b>                               | 60.35 m                        | 368.8 m                    |
| <b>Depth</b>                                  | 165.81 m                       | 275.54 m                   |
| <b>Road - Access to</b>                       | Municipal Road                 | Municipal Road             |
| <b>Water Supply</b>                           | Private Well                   | Private Well               |
| <b>Sewage Disposal</b>                        | Private Septic                 | Private Septic             |
| <b>Official Plan Designation -Conformity?</b> | Rural and Organic Soils<br>Yes |                            |
| <b>Zoning Category</b>                        | Rural                          | Rural                      |
| <b>-Area Required (min.)</b>                  | 1.0-ha                         | 1.0-ha                     |
| <b>-Compliance?</b>                           | Yes                            | Yes                        |
| <b>-Frontage Required (min.)</b>              | 60 m                           | 60 m                       |
| <b>-Compliance?</b>                           | Yes                            | Yes                        |
| <b>-Depth Required (min.)</b>                 | n/a                            | n/a                        |
| <b>-Compliance?</b>                           |                                |                            |

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

## **2.6 Cultural Heritage and Archaeology**

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

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

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

## **3.1 Natural Hazards**

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 5.0 Archaeological Resources, Section 8.2 Organic Soils, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

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

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

**(b) AGENCY REVIEW**

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

**Lanark Highlands Planner's Report**

The property is designated as Rural and Organic Soils on Schedule 'A 2' of the Township's Official Plan and zoned Rural and Organic Soils on Schedule 'A 2' by Zoning By-law 2003-451. The lands have an existing residential use on the proposed retained lands. The proposed lot is currently vacant with residential uses proposed.

The application proposes to create a lot with 60.35 metres of road frontage, a depth of 165 metres and an area of approximately 1.22 hectares. The proposed retained lands will have 368 metres of frontage, a depth of 275 metres and an area of 5.16 hectares. Surrounding land uses are rural and low density residential.

Access is provided via Sugarbush Way a Township Road. The lands will be serviced privately with septic and well. Abutting lands uses are predominantly residential although the western edge of the subject lands abut an abandoned cemetery. As the parcel is irregular the holding also has a small, narrow sliver of land abutting the 3<sup>rd</sup> Concession. Access would not be possible from this location.

The subject lands were previously given consent to sever by the Land Division Committee in 2008 but the applicant has let the application lapse prior to fulfilling all of the required conditions.

**PROVINCIAL POLICY**

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

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

The proposed lot when developed will be serviced privately and confirmation is required that there exists sufficient treatment capacity for any hauled sewage (Section 1.6.4.1). The Lanark Leeds and Grenville Health Unit will require a permit for private services. Capacity exists for the hauled sewage outside of the Municipality.

The policy statement protects resources for the long term including cultural resources. As there is an abandoned cemetery identified abutting the lands the applicant will be required to demonstrate that appropriate protective measures have been taken so no disturbance will occur.

The lands have been identified as having organic soils. Section 3.0 of the Provincial Policy Statement directs planning authorities to protect public health and safety. Demonstration that the soils have sufficient carrying capacity for the proposed construction will be required prior to a building permit being approved.



## **OFFICIAL PLAN**

The Larocque lands are designated Rural and Organic Soils on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. This designation allows for low density development consisting of residences along the existing roadways and waterways.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The lands abut a cemetery. Section 5.0 of the Official Plan protects all cultural resources. The applicant will need to demonstrate that no disturbance will result by means of this application. In addition if human remains are found when construction activities are ongoing the Ministry of Culture will need to be contacted for guidance with respect to protection and conservation of the remains. A condition of severance will be included that will require a development agreement to be registered on title to provide notice to future purchasers of the lands abutting the cemetery.

## **ZONING**

The lands are zoned Rural and Organic Soils on Schedule 'A 2' of Zoning By-law 2003-451. The proposal as submitted indicates sufficient area and frontage to meet the requirements of the rural zone. Section 4.19 of Zoning by-law 2003-451 requires that any lands identified as having organic soils demonstrate, through professionally acceptable engineering techniques, that the land can support the proposed use. The applicant will need to provide confirmation that the proposed residential use can meet the tests of the Ontario Building Code, Ontario Water Resources Act and the Environmental Protection Act for both the dwelling and the sewage treatment systems. Permits will be required prior to construction.

## **DISCUSSION**

The applicant unfortunately allowed the previous severance application, being application B08/056 to lapse on July 30, 2009. Some of the conditions of that decision were finalized or completed. The cash-in-lieu of parkland has been

paid. The requested road widening along Sugarbush Way has been deeded to the Township. A development agreement was completed that addressed the organic soils and also recognized and protected the cemetery. These conditions will be repeated in this decision as the agreement will need to be registered on title when the new lot is created.

The application as submitted is an expected land use within the rural area and can meet the policy tests of both the Provincial Policy and the Official Plan with the registration of a Development Agreement to ensure protection of resources and future residents.

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. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
4. That the applicant pay any outstanding fees to the Township prior to final approval.

5. The applicant shall enter into a development agreement with the Township, the terms of which are to be acceptable to The Township and Conservation Authority, to implement appropriate mitigative measures regarding future development and the identified organic soils.
6. That the applicant enter into a development agreement with the Township, to implement appropriate mitigative measures to protect and recognize the abandoned cemetery.

Conservation Authority – Mississippi Valley Conservation – April 6, 2010

Mississippi Valley Conservation previously conducted a review of Consent Application #B08/056 for the subject property in a letter to the County of Lanark, dated July 11, 2008. We understand that the subject application is a resubmission of this application, which was allowed to lapse.

Our comments remain the same as those outlined in our review of B08/056. Please advise us of the Committee's decision in this matter.

MVC Letter of July 11, 2008.

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

According to the information provided, the purpose of the application is to sever two vacant residential building lots measuring 1.37- ha and 1.0-ha in size and to retain a 5.16-ha residential lot. The retained land is already developed.

A review of available GIS mapping shows that an unnamed watercourse runs through the northwest corner of the proposed severance B078/056 and through the western side of B08/057. The presence of this watercourse was confirmed during a site visit conducted by MVC staff on July 10 2008.

MVC does not have any objection to the proposed severances provided the following mitigative measures are implemented for any future development:

1. A minimum 30 metre setback from the tributary shall be maintained for future structures and a septic system.
2. The existing shoreline vegetative buffer shall be retained to a minimum depth of 15 metres, along the tributary.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary or onto adjacent properties.

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

In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – Partially treed scrubland with variable slopes and drainage. Two to three feet of red sand and stone over bedrock. Sewage system permit issued December 4, 2009 under application #55187. System to be installed as per permit.

Retained – 12+ acres of woodland with variable slopes, drainage and soil conditions. Existing residence serviced by a Class 4 sewage system and private well. Sufficient land area to replace sewage system when needed.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.22-ha residential building lot and retain a 5.16-ha landholding with an existing dwelling and outbuildings. This application is the same as B8/056 which was approved, but inadvertently allowed to lapse.

The subject lands are located in an area characterized by Residential and within the locally known hamlet of Hood. Hood has not been designated as a Settlement Area.

The lands are accessed via 2<sup>nd</sup> Conc. Dalhousie and Sugarbush Way, municipally maintained roads.

Soils Inventory – Name: Monteagle (low fertility, low moisture holding capacity) and Muck

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

The Official Plan indicates that a large portion of the lands are located within an area of organic soils. Organic soils are considered as a constrain to development and no development shall be permitted including the installation of sewage disposal systems in organic soils unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the Building Code can be met.

An abandoned cemetery is located on the lands to be severed. If approved a condition should be placed on the deed, advising future purchasers of the existence of the cemetery and that appropriate mitigative measures to protect and recognize the abandoned cemetery must be undertaken.

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – April 12, 2010**

Gary Chaplin, agent, attended the hearing and gave evidence under oath.

Mr. Chaplin explained that the same application had been presented to Committee and approved in 2008, however, inadvertently allowed to lapse.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the applicant register on title a covenant stating that "an abandoned cemetery' is located on the lands. No development is permitted within the identified area.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance,

appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.

5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. 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.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of June 11, 2008 (RE: Organic Soils) 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.
9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address appropriate mitigative measures to protect and recognize the abandoned cemetery.
10. A letter shall be received from Mississippi Valley Conservation stating that condition #8 has been fulfilled to their satisfaction.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #3 to #9 has been fulfilled to their satisfaction.

**NOTES:**

- *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.*
- *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.*
- *The LGL Health Unit advises that the lots can be made suitable for on-site sewage disposal with the importation of additional granular fill in the proposed tile bed area.*
- *The MVC advises that the property owner be advised that in the event that shoreline work is proposed on the tributary in the future, written permission may*

*be required from MVC pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.*

- *The MVC advised that, in accordance with MVC’s Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

**LAND DIVISION STAFF REPORT  
APPLICATION FOR CONSENT**

**Owner:** Robert & Sara MacFarlane                      **Hearing Date:** April 12, 2010  
**Agent:** N/A  
**LDC File #:** B10/014 & B10/015  
**Municipality:** Montague  
**Geographic Township:** Montague                      **Lot:** 20      **Concession:** 6  
**Roll No.** 0901 000 025 01000                      **Consent Type:** New Lots

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**Purpose and Effect:**

**B10/014** – To sever a 2.63-ha residential building lot.

**B10/015** – To sever a 3.035-ha residential building lot and retain an 8.296-ha vacant landholding.

The lands are accessed via Rosedale Road North.

| DETAILS OF PROPOSAL                               | Land to be Severed    |                            | Land to be Retained   |
|---|-----------------------|----------------------------|-----------------------|
|   | B10/014               | B10/015                    |                       |
| <b>Existing Use</b><br><b>Proposed Use</b>        | Vacant<br>Residential | Residential<br>Residential | Vacant<br>Residential |
| <b>Area</b>                                       | 2.63 ha               | 3.035 ha                   | 8.296 ha              |
| <b>Frontage</b>                                   | 79.248 m              | 121.92 m                   | 47.244 m              |
| <b>Depth</b>                                      | 188.976 m             | 230.124 m                  | 264.26 m              |
| <b>Road - Access to</b>                           | Municipal Rd.         | Municipal Rd.              | Municipal Rd.         |
| <b>Water Supply</b>                               | Proposed              | Private Well               | Proposed              |
| <b>Sewage Disposal</b>                            | Proposed              | Pvt. Septic                | Proposed              |
| <b>Official Plan Designation<br/>-Conformity?</b> | Rural<br>Yes          |                            |                       |
| <b>Zoning Category</b>                            | Rural                 |                            | Rural                 |
| <b>-Area Required (min.)</b>                      | 0.4-ha                |                            | 0.4-ha                |
| <b>-Compliance?</b>                               | Yes                   |                            | Yes                   |
| <b>-Frontage Required (min.)</b>                  | 46 m                  |                            | 46 m                  |
| <b>-Compliance?</b>                               | Yes                   |                            | Yes                   |
| <b>-Depth Required (min.)</b>                     | n/a                   |                            | n/a                   |
| <b>-Compliance?</b>                               |                       |                            |                       |

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

Official Plan – Section 4 General development Policies, Section 4.5 Consents, Section 5 Rural Lands Policy, Section 14 Committee of Adjustment and Land Division Committee. The Township of Montague advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law - Section 3.0 General Provisions, Section 18.0 Rural Zone.

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

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

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

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

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

Conservation Authority – Rideau Valley Conservation Authority



The Planning and Development Review Team has completed a review of the above noted applications which seek approval for the creation of two new residential building lots described as 2.63 ha (vacant) and 3.035 ha (with an existing privately serviced residence). The retained parcel (vacant) is 8.269 hectares. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement (PPS) under Section 3 of the Planning Act.

We have not identified any issues under the above noted sections of the PPS that would preclude the approval of these applications.

We note that the proposed lot B10/014 has a watercourse transecting the north-east boundary corner. By copy of this letter we are advising the owner that The watercourse is subject to the Conservation Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06 under Section 28 of the Conservation Authorities Act). The owner requires the written approval of the Conservation Authority prior to undertaking any works that would result in a straightening, changing, diverting or interfering in any way with the channel of the watercourse. Any applications received in this regard would be assessed within the context of approved policies for the administration of the regulation. Furthermore, any new development should be placed 30 metres back from the edge of the watercourse to protect water quality. This is for the applicant's information and we do not require any conditions of approval in this regard.

We note that the rear half of proposed lot B10/015 is characterized by the same watercourse with the same constraints as above and a wetland that is not designated as provincially significant. The existing residence does not infringe on any preferred environmental setbacks associated with these features.

In conclusion, the Planning and Development Review Team has no objection to these applications. Please forward notice of the Committee's decision on these applications to

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the office of the Rideau Valley Conservation Authority at the address noted below. Meanwhile, if you have any questions or require additional information, please contact me at 1-800-267-3504 ext. 1137.

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

Severed B10/014 – Irregular shaped parcel of mixed cedar bushland. Variable drainage and soil conditions. Up to 5 feet of granular fill will be required to construct a sewage system.

Severed B10/015 - 7+ acres of scrubland sloping gently towards the west to a lower wet area. Existing dwelling adjacent to road with well and septic system of unknown construction or age, in place. Fill requirements will be subject to the exact location of a replacement sewage system as needed in future.

Retained – 20 acres of scrubland sloping gently to a low wet area to the west. Several sheds located at the northeast corner of parcel. Variable soil conditions. Up to 5 feet of granular fill will be required to construct a sewage system.

Hydro One Networks – No comments were received.

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

Canadian Pacific Railway – No comments were received.

**(c) PLANNING REVIEW**

The applicant proposes to sever two new residential lots; B10/014 is a 2.63-ha vacant residential building lot and B10/015 a 3.04-ha residential lot with an existing dwelling. The retained landholding is an 8.296-ha vacant parcel. Three lots were created from the original parcel of land; however these predate the Official Plan date of May 1987.

The subject lands are located in an area characterized by Residential on a variety of lots along Rosedale Road North and Prescott Road. Due to the proximity of the Rail Line, it is recommended that if the proposals are approved that a condition be placed on title advising future purchasers that they may be subject to noise, whistles and odours associated with the rail line.

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

Soils Inventory – Name: Farmington (shallow soils)  
- Stoniness: slightly stony  
- CLI: 6 – natural grazing only  
- Drainage: well drained  
- Hydrogeology: moderate

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – April 12, 2010**

Bob MacFarlane, owner, attended the hearing and gave evidence under oath. No further information was provided.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

**B10/014**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the applicant register on title a covenant stating that the lot is adjacent to a rail line and may therefore be subject to noise, dust, odours and other nuisances associated with the rail line and train activities.
3. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
4. The applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
7. Sufficient lands shall be deeded to the Township of Montague along the frontage of the lot 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 the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
8. A letter shall be received from the Township of Montague stating that condition #3 to #7 has been fulfilled to their satisfaction.

**NOTES:**

- *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.*
- *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
- *The RVCA also advises that any new development should be placed 30 metres back from the edge of the watercourse to protect water quality.*
- *The Leeds Grenville and Lanark District Health Unit advises that up to 5 feet of granular fill will be required to construct a sewage system.*

**B10/015**

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. That the applicant register on title a covenant stating that the lot is adjacent to a rail line and may therefore be subject to noise, dust, odours and other nuisances associated with the rail line and train activities.
3. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
4. The applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
7. Sufficient lands shall be deeded to the Township of Montague along the frontage of the lot 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 the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

8. A letter shall be received from the Township of Montague stating that condition #3 to #7 has been fulfilled to their satisfaction.

**NOTES:**

- *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.*
- *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
- *The RVCA also advises that any new development should be placed 30 metres back from the edge of the watercourse to protect water quality.*
- *The Leeds Grenville and Lanark District Health Unit advises that fill requirements will be subject to the exact location of a replacement sewage system as needed in future.*

## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Glenn Elwood Ireton **Hearing Date:** April 12, 2010  
**Agent:** Daniel J. Roberts  
**LDC File #:** B10/024  
**Municipality:** Drummond/N. Elmsley  
**Geographic Township:** Drummond **Lot:** 14 **Concession:** 6  
**Roll No.** 0919 919 030 04300 **Consent Type:** New Lot

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**Purpose and Effect:**

To sever a 0.4046-ha residential building lot and retain an 8.49-ha vacant landholding. Three previous severances were created from the original land parcel. Lands are accessed via Drummond School Road.

| DETAILS OF PROPOSAL              | Land to be Severed              | Land to be Retained |
|----------------------------------|---------------------------------|---------------------|
| <b>Existing Use</b>              | Farm/Hay field                  | Farm/Vacant         |
| <b>Proposed Use</b>              | Residential                     | Farm/Vacant         |
| <b>Area</b>                      | 0.4046 ha                       | 8.4984 ha           |
| <b>Frontage</b>                  | 55.17 m                         | 209.71 m            |
| <b>Depth</b>                     | 73.46 m                         | Irregular           |
| <b>Road - Access to</b>          | Municipal Road                  | Municipal Road      |
| <b>Water Supply</b>              | Proposed                        | N/A                 |
| <b>Sewage Disposal</b>           | Proposed                        | N/A                 |
| <b>Official Plan Designation</b> | Hamlet                          |                     |
| <b>-Conformity?</b>              | Yes – infilling section 3.7.2.2 |                     |
| <b>Zoning Category</b>           | Rural                           | Rural               |
| <b>-Area Required (min.)</b>     | 0.4-ha                          | 0.4-ha              |
| <b>-Compliance?</b>              | Yes                             | Yes                 |
| <b>-Frontage Required (min.)</b> | 45 m                            | 45 m                |
| <b>-Compliance?</b>              | Yes                             | Yes                 |
| <b>-Depth Required (min.)</b>    | n/a                             | n/a                 |
| <b>-Compliance?</b>              |                                 |                     |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

Section 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

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

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

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

### **3.1 Natural Hazards**

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.2 Hamlet Policies, Section 5.3 Local Roads.

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

Zoning By-law - Section 4.0 General Provisions, Section 7.0 Rural Zone.

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

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

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

Township of Drummond / North Elmsley – Planners Report

**TOWNSHIP OF DRUMMOND/NORTH ELMSLEY  
COMMITTEE OF THE WHOLE**

January 26, 2010

Author: Tracy Zander, Planning Consultant  
Proposed Severance – Drummond Centre

**1. STAFF RECOMMENDATIONS**

For discussion.

**2. PURPOSE:** To discuss Mr. Robert's request for a potential severance on Drummond School Road.

**3. BACKGROUND:** Mr. Roberts is proposing that he sever a 1 acre parcel of land with frontage on Drummond School Road. The property is currently owned by Glenn Ireton, Mr. Roberts' father-in-law. The property is legally described as Part of Lot 14, Concession 6, Geographic Drummond and the lands are vacant. There have previously been three severances from this land holding: one in 1998, one in 2003 and one in 2005.

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The property is currently designated Hamlet in the Township's Official Plan, and is currently zoned Rural (RU) and Wetland Influence Area. The property consists of approximately 22 acres of land with approximately 250 metres (825 feet) of frontage on Drummond School Road. The frontage is divided into three parts, as shown on the attached plan.

Mr. Roberts is proposing to sever a 1 acre parcel of land from the northernmost part of the Ireton property. It would have approximately 45 metres (150 feet) of frontage on Drummond School Road. The location of the proposed severance is shown on the attached sketch.

**4. DISCUSSION:** Section 3.7.2.5 of the Township's Official Plan has policies around the division of land, including the following:

*Generally, the division of land by consent is intended for the creation of a limited number of lots. Where more than three lots (excluding the retained lot) have been created or are proposed to be created from an original parcel of land as it existed on January 1, 1979, development should occur by plan of subdivision, pursuant to the policies of this Plan.*

While this would be the fourth severance from a parcel of land, Mr. Roberts has noted in his letter that the lands are located in the Hamlet area where there is existing development, and that the proposed severed lands already function as a separate lot. Further, the proposed severed lot is outside of the wetland influence area so there are no concerns regarding that natural feature. The proposed lot is in close proximity to mixed and complimentary land uses including other residential uses and an elementary school.

The Provincial Policy Statement states that "Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted." (Section 1.1.3.1) Further, Section 1.1.3.3 of the Provincial Policy Statement encourages planning authorities to "promote opportunities for intensification and redevelopment". Intensification is defined as follows under the PPS:

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*Intensification means the development of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; and d) the expansion or conversion of existing buildings.*

The severance proposed by Mr. Roberts meets the intent of infill development as the proposed lot currently appears as a separate lot on Drummond School Road, and adds to the density in an already developed area.

5. **ANALYSIS AND OPTIONS:** Council could choose to support the proposed severance as it is located in a Hamlet area, where development is encouraged by both the Township's Official Plan and by the Provincial Policy Statement. However, there is the potential to set a precedent for allowing more than three severances, if this proposal is supported.
  6. **FINANCIAL IMPLICATIONS:** None.
  7. **MUNICIPAL IMPACT:**
  8. **CONCLUSIONS:** For discussion.
  9. **ATTACHMENTS:** Letter from Mr. Roberts dated January 22, 2010; maps of the subject property.
- 

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

- The balance of any outstanding taxes shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
- That a residential entrance to the subject lot shall be obtained. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.

Conservation Authority – April 6, 2010

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

According to the information provided, the purpose of the subject application is to sever a vacant 0.40-ha parcel of land and retain 8.49 ha with an existing dwelling.

A review of available GIS mapping revealed that a portion of the proposed retained lands are located within 120 metres of a Provincially Significant Wetland (PSW), while the proposed severed lands are located beyond 120 metres. The PSW is referred to as the Blueberry Marsh. While the subject property is located within 120 metres of Blueberry Marsh, the wetland does not appear to extend onto the property.

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of a PSW boundary, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the wetland. This would typically be examined through the preparation of an Environmental Impact Statement (EIS). However, as estimated on GIS, the proposed severed lands are located beyond the 120 metre adjacent lands and the retained lands are already developed with no new development proposed at this time. On this basis, MVC is of the opinion that there would be limited value in conducting an EIS at this time. However, in the event that future development is proposed within 120 metres of the PSW, an EIS may be required to evaluate such development.

Based on the above, we do not have any objection to the subject application.

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 MVC prior to any interference within 120 metres of a PSW, including Blueberry Marsh.

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

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit  
Severed Lot – 1 acre parcel of flat open field. Variable depths of silty sand over clay. 3 to 5 feet of porous fill will be required to construct a sewage system.  
Retained lands – 21 acres of rolling farmland. Variable slopes, drainage and soil conditions. Fill requirements subject to the exact location of a sewage system is proposed in future.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 0.4-ha residential building lot and retain an 8.5-ha irregular shaped vacant landholding. Three previous severances have been obtained from the original landholding – 1998, 2003 and 2005.

The Official Plan for D/NE Section 3.7.2.3 states:

*"Generally, the division of land by consent is intended for the creation of a limited number of lots. Where more than three lots (excluding the retained lot) have been created or are*

*proposed to be created from an original parcel of land as it existed on January 1, 1979, development should occur by plan of subdivision, pursuant to the policies of this plan.”* The term “Generally” creates some ambiguity.

The subject lands are located in a designated “Settlement Area” in the Township’s Official Plan and are adjacent to Drummond Central Public School. The lands are accessed via Drummond School Road.

The Official Plan for D/NE provides for ‘infilling’ within designated settlement areas (Section 3.7.2.2). However, the policy only permits infilling where the lots have been created prior to 1979 (Section 3.7.2.3) which is somewhat contradictory. The draft new Official Plan, further clarifies this section to provide for a maximum of 2 infill lots, per landholding, in designated settlement areas. This amendment promotes the PPS intensification statements.

Section 1.1.3.4 of the PPS states “*Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety*”. It is clear from this statement that intensification should be concerned with potable water and proper sewage services. Therefore, if sufficient area is available, the lot to be created should be closer to the lot size considerations outlined in MOE Procedure D-5-4 Section 5.4, “it is assumed that attenuative processes within a 1-ha lot will be sufficient to reduce the nitrate-nitrogen to an acceptable concentration in groundwater below adjacent properties”. Given that the public school is located adjacent to the proposed lot, which is served by a large septic system, it is appropriate to request (if approved) that the proposed lot size be increased to a minimum of 0.8-ha.

As stated by the Township’s Planner, the proposal meets to intent of the Township’s Official Plan and the Provincial Policy Statement. However, there is the potential to set a precedent for allowing more than three severances, if the proposal is supported.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, I have included three options for discussion:

- 1/ Approve with conditions – meets the intent of the OP and PPS and provides for infilling within a settlement area;
- 2/ Defer pending OPA – to increase number of lots permitted; or
- 3/ Refuse – does not conform to the Official Plan.

**(d) PUBLIC INPUT**

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

**(e) MINUTES – April 12, 2010**

Glenn Ireton, owner, Dan Roberts, purchaser and Tracy Zander, Planner for Drummond / North Elmsley, attended the hearing and gave evidence under oath.

Mr. Ireton advised that he was not aware that he was limited in the number of consents he was permitted on his landholding.

Mr. Roberts advised that the proposed lot line was 240 feet from the septic system for the school and that the neighboring property had a 68 foot deep well that provides 15 gpm.

Ms. Zander explained that it was the Township's position that the proposal conforms to the Provincial Policy Statements (infilling and development within settlement areas) and conforms to the proposed draft Official Plan.

Chairman Strachan, requested the applicant to consider increasing the size of the lot, for the reasons outlined in the staff planning report. Ms. Zander also agreed that an increased lot would be more acceptable to the Township. However, increasing the lot into the Waste Site Influence Area would not be appropriate.

The applicant agreed to increase the lot size (depth) as suggested.

The committee agreed that even though the application is to develop a 4th consent, the proposal meets the intent of the provisions of the Provincial Policy Statement – infilling and development within a designation settlement area and the intent of the Official Plan – infilling within settlement areas.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the lands to be severed be increased in size, by increasing the depth of the lot to the limit of the Waste Disposal Site Influence Area.
3. That the applicant register on title a covenant stating that the lot is adjacent to a Provincially Significant Wetland. No development will be permitted within the adjacent lands unless an Environmental Impact Statement is prepared and evaluated by Mississippi Valley Conservation.
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 Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained 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 should be consulted prior to commencing a survey to determine the amount of road widening required.
7. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 to #7 has been fulfilled to their satisfaction.

**NOTES:**

- *The Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any interference within 120 metres of a PSW, including Blueberry Marsh.*
- *The MVC advises that if future development is proposed within 120 metres of the Provincially Significant Wetland (Blueberry Marsh), an Environmental Impact Statement may be required to evaluate such development.*
- *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.*

**LAND DIVISION STAFF REPORT  
APPLICATION FOR CONSENT**

**Owner:** Jeff Jackson

**Hearing Date:** December 14, 2009

**Reconvened Hearing Date:** April 12, 2010

**Agent:** Tracy Zander (ZanderPlan)

**LDC File #:** B09/099 and B09/100

**Municipality:** Lanark Highlands

**Geographic Township:** Lanark

**Lot:** 15

**Concession:** 6

**Roll No.** 040 934 015 11100

**Consent Type:** two (2) new lots

**Purpose and Effect:** To sever two (2) new residential building lot (1.02-ha each) and retain a 41.0-ha landholding with an existing residential dwelling and outbuildings.

| DETAILS OF PROPOSAL                                     | Land to be Severed               |                                  | Land to be Retained                  |
|---|----------------------------------|----------------------------------|--------------------------------------|
| <b>Existing Use</b><br><b>Proposed Use</b>              | B09/099<br>Vacant<br>Residential | B09/100<br>Vacant<br>Residential | Residential / abandoned barn<br>same |
| <b>Area</b>   | 1.02-ha                          | 1.02-ha                          | 41.0-ha                              |
| <b>Frontage</b>   | 84 m                             | 84 m                             | 488 m                                |
| <b>Depth</b>  | 122 m                            | 122 m                            | 655 m                                |
| <b>Road - Access to</b>                                 | County Rd                        | County Rd                        | County Road                          |
| <b>Water Supply</b>                                     | Proposed                         | Proposed                         | Private Well                         |
| <b>Sewage Disposal</b>                                  | Proposed                         | Proposed                         | Sewage System                        |
| <b>Official Plan Designation</b><br><b>-Conformity?</b> | Rural<br>Yes                     |                                  |                                      |
| <b>Zoning Category</b>                                  | Rural                            |                                  | Rural                                |
| <b>-Area Required (min.)</b>                            | 1.0-ha                           |                                  | 1.0-ha                               |
| <b>-Compliance?</b>                                     | Yes                              |                                  | Yes                                  |
| <b>-Frontage Required (min.)</b>                        | 60m                              |                                  | 60m                                  |
| <b>-Compliance?</b>                                     | Yes                              |                                  | Yes                                  |
| <b>-Depth Required (min.)</b>                           | n/a                              |                                  | n/a                                  |
| <b>-Compliance?</b>                                     |                                  |                                  |                                      |

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

**1.6 Infrastructure and Public Service Facilities**

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 10.11.13 Subdivisions, Consents and Part-lot control.  
The Township of Lanark Highlands advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law - Section 4 General Provisions, Section 6.0 Rural Zone.  
The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

PLANNING REPORT  
TOWNSHIP OF LANARK HIGHLANDS  
SEVERANCE APPLICATION JACKSON  
PART LOTS 15 CONCESSION 6  
FORMER TOWNSHIP OF LANARK  
TOWNSHIP OF LANARK HIGHLANDS

## 1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of a two lots on a property with frontage on County Road 16, Wolf Grove Road. The holding is legally described as Part Lot 15, Concession 6, Geographic Township of Lanark, now in the Township of Lanark Highlands, County of Lanark.

The applicant wishes to create two new lots. The proposed retained lands pertaining to application 1 will have 572 metres of frontage on Wolf Grove Road and an area of approximately 41.9 hectares. The proposed severed lands subject to application 1 will have an area of approximately 1.0 hectare and frontage of 84 metres on Wolf Grove Road. The proposed retained lands subject to application 2 will have approximately 488 metres of frontage and 41 ha of area. The severed lands of the aforementioned application will enjoy 84 metres of frontage and approximately 1.0 hectare in area.

Surrounding land uses include residential and agricultural activities. Currently the subject lands are vacant. The retained lands function as a maple bush and that use will continue. The proposed severed lands are intended for residential use. The lands will be serviced via private well and septic and will require permits from Health Unit. A creek transects the property through the proposed retained lands.

The properties are designated Rural on Schedule 'A4' of the Township of Lanark Highlands Official Plan and zoned Rural, 'RU' on Schedule 'A4' of the Township of Lanark Highlands Zoning By-law.

### 1.1 PROVINCIAL POLICY

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

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

#### 1.1.1 Services

The proposed lots when developed will be serviced privately and confirmation is required that there exists sufficient treatment capacity for any hauled sewage (Section 1.6.4.1). The Lanark Leeds and Grenville Health Unit will require a permit for private services. Capacity exists for the hauled sewage outside of the Municipality. The applicant will need to obtain permits from the Lanark and Leeds Health Unit prior to any construction.

#### 1.1.2 Transportation

Section 1.6.5 Transportation Systems and Section 1.6.6 Transportation and Infrastructure Corridors of the Provincial Policy Statement outline the priority that the province puts on the maintenance and efficiency of transportation systems and corridors. Sufficient frontage is available for the proposed uses once the aforementioned improvements are completed.

There are no designated or identified natural heritage features on the lands.



## 1.2 OFFICIAL PLAN

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

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposed new lot will have sufficient area to provide for access, snow removal and private water and sewage services. There are no identified natural heritage features on the lands or on the abutting lands. The proposed retained lot is also of sufficient size and area to accommodate various densities of residential development. The application demonstrates compliance with Official Plan directives.

## 1.3 ZONING

The lands are zoned Rural 'RU' low density residential development is permitted within this zone. Provisions for the zone call for a minimum lot size of 1 ha. The submitted sketch illustrates sufficient frontage on the roadway. This will be confirmed prior to finalizing the zoning by means of a survey. Any new development on the severed lands will be required to meet the performance standards of the zoning by-law.

## 1.4 DISCUSSION

The proposal will if approved result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy. Future construction will have to respect zoning standards and requirements.

A MDS calculation has been undertaken on the barns housing dairy cattle that exist on neighbouring lands to the east. The calculation results in a required setback distance of 250 metres in order to avoid the potential for future land use conflicts. The setback distance can be accommodated on the lands although the northeast corner of proposed lot one encroaches minimally within this setback distance. It would be unlikely that any residential use could be accommodated in this corner of the lot.

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

- The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
- An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
- That the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.
- That the applicant provide to the Township any required road widening at no cost to the Township.
- That the applicant pay any outstanding fees to the Township prior to final approval.

Conservation Authority – Mississippi Valley Conservation Authority

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

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

According to the information provided, the purpose of the subject application is to sever (2) vacant 1.02-ha building lots and retain 41 ha with an existing dwelling and outbuildings.

A review of available mapping shows a tributary of the Middleville Creek running through the proposed retained lands, along the rear lot lines of the two proposed severed parcels. No other natural heritage features or natural hazards were identified.

The resulting lots meet with the current minimum area requirements set out in the Township of Lanark Highland's Zoning By-law and sufficient area appears to exist to locate future development in compliance with the zoning provisions. With all of this in consideration, MVC does not have any objection to the subject applications provided the following mitigative measures are implemented for any future development on the subject property:

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

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

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

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit  
Severed (B09/099) parcel is vacant and slopes southeast towards a stream. There appears to be at least 2 feet of sandy soil at the surface of the ground and no drainage issues. There is adequate space on parcel to accommodate a new dwelling and septic system. Fill may be needed under leaching bed.

Severed (B09/100) parcel is vacant and slopes southeast toward stream. There appears to be at least 2 feet of sandy soil at the surface of the ground and no drainage issues. There is adequate space on parcel to accommodate a new dwelling and septic system. Fill may be needed under leaching bed.

Retained lands – parcel contains a farmhouse, garage and barns. Land is rolling and drainage is variable. Existing septic system show no signs of stress from the surface of the ground and there is adequate room for replacement.

Hydro One Networks – Hydro One advises that there are no comments or concerns.

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

County of Lanark Roads Department – December 4, 2009

Concerning your inquiry regarding a common entrance to County Road 16, we have inspected the site and find that your requested location cannot be approved.

We have not setup the Mandatory Site Visit, as per our policy, since there is no alternative to provide access to both the severed lots from the County Road due to insufficient spacing.

Following a review of your application we offer the following comments for your consideration:

- Access to the lot proposed by application B09/099 could be gained from the unopened township road allowance. This would require consultation and approval from the local municipal office.
- Access to the lot proposed by application B09/100 could be gained by relocating the existing entrance at PIN 3991 and making it common, thereby providing access to the proposed lot and the retained lands. We have not conducted a site inspection in this regard. If you are interested in proceeding in this manner please contact our office to arrange for a site meeting to review this alternative.

County of Lanark Roads Department – December 8, 2009

B09/099 Lot proposed to be severed must gain access from unopened road allowance. Retained lands gain access from County Road 16 via long established entrance. Road widening not required.

B09/100 Lot proposed to be severed may be able to gain access via common entrance with retained lands; awaiting reply from applicant. Road widening not required.

**(c) PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lots, each 1.02-ha and retain a 41.0-ha landholding with an existing dwelling, outbuildings and vacant farm building. The lands are adjacent to an existing farm operation, therefore a MDS calculation was undertaken which concluded that a distance of 250 m would be required between the barns and the lot line of B09/099. Conditions will be required re: noise, sounds, and smells of a farm operation. A similar calculation was not undertaken for the vacant barns on the Jackson property. The agent has advised that the structures are not suitable to house livestock and agrees to a condition to ‘decommission the barns’.

The subject lands are located in an area characterized by Residential and Farm Residential on large landholdings. The hamlet of Middleville is located approximately 0.5 km to the west. The boundary of the settlement area is at the boundary line between the east and west halves of Lot 16.

The retained lands are accessed via Wolf Grove Road, a county maintained road. The

severed lands may be accessed via the unopened municipal road allowance and/or the county road. However neither of these options have been discussed with the applicable Road Departments.

Soils Inventory – 2-7/F and 4-3/P – area has topographic limitations and stoniness limitations with lot fertility.

There were objections raised by the County of Lanark Public Works Department regarding entrance to the lands. In light of the foregoing, this office is not satisfied that the applicant's proposal maintains the general intent and purpose of the PPS and Official Plan for the Township of Lanark Highlands and should be deferred to permit the applicant / agent with an opportunity to resolve the access issue.

**(d) PUBLIC INPUT**

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

John Rodger – November 25, 2009

The questions are as follows.

1. Will there be any notification in the deed stating that there will be farm activity surrounding these lots? Example cattle next to the property and spreading of manure next to the property.
2. There is a creek that flows behind these lots that goes directly to our property. Is this something that you will be looking into?
3. We are also interested in where the entrance will be located for the two lots. Mary, the biggest concern for my dad and me, is that when the new property owners move in that they are aware of the sights, sounds and smells of living beside an active farm. We want to make sure that they understand that there will be cattle and the spreading of manure next to the property on three sides of each lot.

Thank you for your help and I hope I was clear in expressing our concerns.

*Note: e-mail sent to Mr. Rodger answering his questions.*

**(e) MINUTES – December 14, 2009**

**MOTION #LD-2009-031**

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

“**THAT**, Applications B09/099 and B09/100, Jackson, be deferred pending further investigation (Road Access).”

**ADOPTED**

(f) **REVISED APPLICATION – PLANNING REPORT**

As a follow-up to the comments submitted by the County Public Works Department, the agent for the applicant revised the application to relocate B09/100 to the westerly boundary of the lot and discuss with the Township, the option to gain access to Wolf Grove Road via the unopened road allowance.

B09/100 was revised and re-circulated for comment. The Township was also contacted for updating their recommended conditions for B09/099.

(g) **PUBLIC INPUT – REVISED APPLICATION**

Bryan and Irene Raycroft - Feb 22, 2010

Please be advise us of the date and time of the public meeting for B09/100. We have the following concerns:

- Our farm operation may create undesirable odours due to manure-spreading on our agricultural land. It should be noted that the prevailing winds are west to east, making it a potential problem for a home-owner at B09/100.
- Due to the questionable economic viability of small-scale farming, we may decide, should this acreage be deemed as a potential site for solar-collectors, to pursue this possibility. This may affect the surrounding aesthetics of the area relative to this potential severance.
- We have a potential site for home building opposite to B09/100 that may be acted upon in the future.

If there is no issue with our above-mentioned concerns, then we have no issue with the potential severance.

John Rodger – March 15, 2010

The file number of B09/100 revised is a lot that is next to my dad's property and we have an entrance right at the line fence. If this lot is sold do we have to move that entrance?

Is the barn at 3991 Wolfe Grove Road an active barn? Meaning can someone still use that barn?

The last question is for the lot of B09/099. Is an entrance going to be from the concession road? (Concession Road 7.) This is a non winter maintained road.  
*(Note: e-mail sent to Mr. Rodger answering his questions.)*

(h) **ADDITIONAL INFORMATION**

Township of Lanark Highlands – March 30, 2010

In regards to access on the unopened road allowance between Concessions 6 and 7, Lanark, the Township is in agreement with the following condition:

- That the applicant undertake a development agreement with the Township of Lanark Highlands in order to gain entrance to the proposed lot via an unopened road allowance and that the applicant demonstrates to the satisfaction of the Township that the entrance way is constructed and maintained to an acceptable standard.

County of Lanark Public Works Department – April 8, 2010

Public Works has advised that the entrance to the revised application B09/100, may still not be satisfactory regarding site lines etc. Also the required location sign has not been placed on the property, therefore a site inspection has not been undertaken. ((*Note: Agent has been advised*)).

Planning Staff

Recommend that B09/100 be deferred pending review of the revised entrance location by County Public Works.

**(i) MINUTES – April 12, 2010**

Tracy Zander (ZanderPlan), agent and Bryan Raycroft, adjacent landowner, attended the hearing and gave evidence under oath.

Ms. Zander provided an update on developments since the last hearing, advising that she had discussed the revised entrance (B09/100) with the County Public Works on April 9, 2010. And had reviewed with the Township the access via the unopened road allowance.

Chairman Strachan advised that the committee has not received comments / conditions from Public Works and therefore B09/100 would be further delayed.

i

**MOTION #LD-2010-017**

**MOVED BY:** C Tyson

**SECONDED BY:** D. Murphy

“**THAT**, Application B09/100 (Revised), Jackson, be deferred pending further investigation (Road Access).”

**ADOPTED**

Mr. Raycroft expressed his concerns that the proposal is adjacent to farming lands. The Chair noted that a condition will be placed on title advising of the adjacent farming operations and that an MDS calculation had been prepared.

**(j) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

**B09/099**

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. That the applicant register on title a covenant stating that the lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontage of the lot 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 the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
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 obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.

11. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the use , construction and on-going maintenance of the unopened road allowance between Concession 6 and 7 at Lot 15, geographic Township of Lanark.
12. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. 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 December 9, 2009, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
13. A letter shall be received from Mississippi Valley Conservation stating that condition #11 has been fulfilled to their satisfaction.
14. A letter shall be received from the Township of Lanark Highlands stating that condition #3 to #11 has been fulfilled to their satisfaction.

**NOTES:**

- *The County of Lanark Public Works Department advises that access to the severed lot will be via the unopened road allowance between Concession 6 and 7 at Lot 15, geographic Township of Lanark.*
- *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- *In addition, any proposed works in or near the tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Howard & Judith Farrell

**Hearing Date:** December 14, 2009

**Reconvened Hearing Date:** April 12, 2010

**Agent:** N/A

**LDC File #:** B09/110 & B09/111

**Municipality:** Tay Valley Township

**Geographic Township:** North Burgess      **Lot:** 12      **Concession:** 8

**Roll No.** 0911-911-010-28700      **Consent Type:** New Lot

**Purpose and Effect:** To sever two new residential building lots (1.0 ha each) and retain a 29.0-ha vacant landholding. The lands are accessed via Narrow's Lock Road.

| DETAILS OF PROPOSAL                               | Land to be Severed                        |                       | Land to be Retained        |
|---|---|-----------------------|----------------------------|
|   | B09/110                                   | B09/111               |                            |
| <b>Existing Use</b><br><b>Proposed Use</b>        | Vacant<br>Residential                     | Vacant<br>Residential | Vacant<br>Vacant           |
| <b>Area</b>                                       | 1.0 ha                                    | 1.0 ha                | 29 ha                      |
| <b>Frontage</b>                                   | 100 m                                     | 100 m                 | 720 m                      |
| <b>Depth</b>                                      | 100 m                                     | 100 m                 | 270 m                      |
| <b>Road - Access to</b>                           | County Road                               | County Road           | County Rd & Municipal Road |
| <b>Water Supply</b>                               | Proposed                                  | Proposed              | None                       |
| <b>Sewage Disposal</b>                            | Proposed                                  | Proposed              | none                       |
| <b>Official Plan Designation<br/>-Conformity?</b> | Mineral Resource and Organic Soils<br>Yes |                       |                            |
| <b>Zoning Category</b>                            | Rural                                     |                       | Rural                      |
| <b>-Area Required (min.)</b>                      | 1.0-ha                                    |                       | 1.0-ha                     |
| <b>-Compliance?</b>                               | n/a                                       |                       | n/a                        |
| <b>-Frontage Required (min.)</b>                  | 60m                                       |                       | 60m                        |
| <b>-Compliance?</b>                               | n/a                                       |                       | n/a                        |
| <b>-Depth Required (min.)</b>                     | n/a                                       |                       | n/a                        |
| <b>-Compliance?</b>                               | n/a                                       |                       | n/a                        |

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

### **2.5 Mineral Aggregate Resources**

Section 2.5.2.5 In areas to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resource 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 3.1.6 development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards.

Official Plan – Section 2 General Development Policies, Section 3.3 Mineral Resources, Section 4.3 County 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 Zones.

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

## **(b) AGENCY REVIEW**

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

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

- Payment of all taxes owing and all costs incurred by the Township for the review process.
- Copy of the deed/transfer and two copies of the reference plan.
- Parkland contribution in the amount of \$100.00
- Compliance with Rideau Valley Conservation Authority recommendations of a 30m setback from wetlands or watercourses.
- Septic systems to be located greater than 30m from wetlands or watercourses.

## Conservation Authority – Rideau Valley Conservation Authority

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

The applications request approval to sever two 1 hectare parcels (vacant) with 29 hectares remaining in the retained portion. A small pocket of wetlands (approx 1/2 acre) is located due east (rear) of the proposed severed lots. The proposed lots bisect a small section of the self contained wetland. Our site inspection revealed that there is standing water and wetland indicator species (flora) within this area. We recommend that any development be directed away from this low lying area. There is sufficient space to develop the property without infilling or disturbing this area. It does not appear that this low lying area is hydraulically connected to any other larger wetland area in the area. However it still could be a recharge area and should not be disturbed (no installation of septic system). The mapping also indicates that there is a small seasonal watercourse flowing through the retained lands along Stanley Road. There is also a permanent wetland located between the Township office and the proposed severed lots. As this wetland is not Provincially Significant it is not regulated by the RVCA. The RVCA recommends a 30 metre development setback from the wetland on the retained lands to protect adjacent habitat and the function of the wetland as well as the overall conservation of land.

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

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

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

The purpose of the application as understood by this office is to sever a parcel of land from Lot 18, Concession 9. The parcel to be served is 1.03 hectares. This parcel is vacant and does not have an existing septic system or well. The parcel to be retained is 1.99 hectares and contains a dwelling, garage, existing septic system and well. The permit for the existing septic system is SF02393 and was applied for April 1<sup>st</sup> 1993.

The proposed severance will not impact the existing septic system on the retained parcel or inhibit the construction of an OBC compliant septic system on the new parcel.

All new septic systems should be located >30 meters from the high water mark and respect all required Ontario Building Code setback and construction requirements.

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

Hydro One Networks – advised that Hydro One has no comments or concerns at this property.

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

County of Lanark Public Works –

Entrance to be installed prior to deed endorsement.

Access to both severed lots is proposed County Road 14; **no applications** have been received in this regard.

Application must be made to determine if access can be permitted.

Access to the retained lands must be gained from the gained from the local municipal road (Stanley Road).

Road Widening is not required.

Ministry of Northern Development and Mines –

The MNDM Abandoned Mines Coordinator has confirmed that there is no documentation of previous mining activity or related hazards in proximity to the area of the proposal.

There are no Mineral Deposit Inventory records in the area and no provincially significant potential has been identified. Both the surface and mining rights of the lot are patented.

The Ministry of Northern Development and Mines has no concerns with the proposed severances.

(c) **PLANNING REVIEW**

The applicant proposes to sever a two (2) residential building lots and retain a 29.0-ha vacant landholding.

The subject lands are located in an area characterized by sparse Residential development on estate type lots mixed between large vacant landholdings along the Narrow's Lock Road.

In accordance with the Township's Official Plan section 3.3.2 "Development proposals for other uses (residential) may be permitted in accordance with the Rural Section of the plan, subject to the agreement of the Ministry of Northern Development and Mines". The proposal was submitted to MNDM who advised that they had no objections to the proposal.

A portion of the retained lands has been identified as Organic Soils; this area has also been identified as a non-regulated wetland, and have been commented on by the RVCA. No development should be permitted within 30m of these wetlands. A note should be included to ensure that future residential development be located outside the organic soils, and that soils and engineering information to indicate that the lands are either suitable or can be made suitable for development may be required.

The lands are accessed via Narrow's Lock Road, a county maintained road.

Soils Inventory – 6/7-P – soil capable only of producing perennial forage crops with area of soils with no capability for arable culture, and stoniness.

Concerns were raised by County Public Works regarding entrance. As this is key to the development of the lots, this office is not satisfied that the applicant's proposal maintains the general intent and purpose of the PPS and Official Plan for Tay Valley Township and should be deferred to provide the applicant an opportunity to make application and discuss entrance proposals with the County of Lanark Public Works Department.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – December 14, 2009**

**MOTION #LD-2009-032**

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

**“THAT,** Consent Applications B09/110 and B09/111, Farrell, be deferred pending further investigation (Road Access).

**ADOPTED**

(f) **ADDITIONAL INFORMATION**

County of Lanark – Public Works

Applicant has an approved entrance location to the County Road (#2252 and #2253). Entrance has to be installed prior to deed endorsement.

Access to both proposed severed lots may be gained from County Road 14. Applicant should proceed with full entrance application following favourable decisions to their severance applications. Access to the retained lands must be gained from the local municipal road (Stanley Road).

Road Widening not required.

(g) **MINUTES – April 12, 2010**

No persons attended the hearing.

(h) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

**B09/110**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
3. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
4. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
5. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
6. The applicant shall obtain an "Entrance Permit" from the County of Lanark Public Works Department. The applicant shall consult directly with the County of Lanark in this regard. (See "Entrance Inquiry #2252).
7. That a residential entrance to the subject lot shall be approved and installed in accordance with the requirements of the County of Lanark Public Works Department, prior to deed endorsement. The applicant shall consult directly with the County of Lanark in this regard.
8. A letter shall be received from the County of Lanark Public Works Department stating that condition #6 and #7 has been fulfilled to their satisfaction.
9. A letter shall be received from Tay Valley Township stating that condition #2 to #5 has been fulfilled to their satisfaction.

**NOTES:**

- *The Rideau Valley Conservation Authority advises that all development and any new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements.*
- *Tay Valley Township advises that the location of the proposed septic system will need to conform to the 30 m water setback, in relation to the wetland or watercourse found on the property, as set out in section 3.26 of the Zoning By-law.*

- *The County of Lanark Public Works department advises that access to retained lands must be gained from the local municipal road, known as Stanley Road.*

**B09/111**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
3. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
4. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
5. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
6. The applicant shall obtain an "Entrance Permit" from the County of Lanark Public Works Department. The applicant shall consult directly with the County of Lanark in this regard. (See "Entrance Inquiry #2253).
7. That a residential entrance to the subject lot shall be approved and installed in accordance with the requirements of the County of Lanark Public Works Department, prior to deed endorsement. The applicant shall consult directly with the County of Lanark in this regard.
8. A letter shall be received from the County of Lanark Public Works Department stating that condition #6 and #7 has been fulfilled to their satisfaction.
9. A letter shall be received from Tay Valley Township stating that condition #2 to #5 has been fulfilled to their satisfaction.

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