



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, July 19, 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-2010-024

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

“THAT, the minutes of the Land Division Committee meeting held on June 21, 2010 be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2010-025

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

“THAT, the agenda be adopted as circulated.” **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. and 1:30 p.m. public hearings:

7.1.1 B10/016 – Leonard and Genice Collett – New Lot

Pt Lot 20/21 Conc. 1, geographic Township of Lanark, now in the Township of Lanark Highlands. South Lavant Road.

7.1.2 B10/037 – Gary Ennis – Lot Addition

Pt Lot 10 Conc. 10, geographic Township of Bathurst, now in Tay Valley Township. Ennis Road.

7.1.3 B10/041 – Lynda Roy – Lot Addition

Pt Lot 27 Conc. 8, Township of Beckwith. Ashton Station Road.

7.1.4 B10/044 and B10/045 – Joseph Zahab – Two New Lots.

Pt Lot 8 Conc. 6, Township of Montague. William Campbell Road.

7.1.5 B10/046 – 1332741 Ontario Inc. - Lot Line realignment

Pt Lot 25 and 27 Plan 27M36, Township of Beckwith. Ashton Creek Crescent.

7.1.6 B10/047, B10/048 and B10/049 – Murray Code – Three New Lots.

Pt Lot 13 Conc. 3, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Tennyson Road.

7.1.7 B10/051 – Marjorie Mosseau – New Lot.

Pt Lot 20 Conc. 8, geographic Township of Lanark, now in the Township of Lanark Highlands. Galbraith Road.

7.1.8 B10/059 – Grace McLaughlin – Lot Addition

Pt Lot 6 Conc. 7, geographic Township of North Burgess, now in Tay Valley Township. Loon's Way.

7.1.9 B10/071 and B10/072 – Thomas Gardiner – Two Lot Additions.

Pt Lot 3/4 Conc. 9, Township of Beckwith. Squaw Point Road and Chickadee Lane.

7.1.10 B10/074 – Martin Whyte – New Lot

Pt Lot 14 and 16 Compiled Plan 7211, Town of Carleton Place. Arthur Street.

7.1.11 B10/075 – Hugh and Christa McCulloch – New Lot

Pt Lot 1 Conc. 5, geographic Township of Bathurst, now in Tay Valley Township. Brook Valley Road.

7.1.12 B10/076, B10/077 and B10/078 – Brian and Zita Donaldson – Three New Lots.

Pt Lot 1 & 2 Conc. 6, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Barrie's Sideroad.

7.1.13 B10/079 – Bill and Karen Millward – Lot Addition.

Pt Lot 15 Conc. 8, geographic Township of North Burgess, now in Tay Valley Township. Stanleyville Road.

7.1.14 B10/085 – Josh Foster – Lot Addition.

Pt Lot 19 Conc. 6 Township of Montague. Rosedale Road North.

7.2 Applications Previously Heard and Awaiting a Decision

None

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 Chairman's Opening Remarks – The member's reviewed the current 'opening remarks' and revised to reflect changes to procedures.

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 B10/016 – Leonard and Genice Collett – New Lot

10.1.2 B10/037 – Gary Ennis – Lot Addition

10.1.3 B10/041 – Lynda Roy – Lot Addition

10.1.4 B10/044 and B10/045 – Joseph Zahab – Two New Lots.

10.1.5 B10/046 – 1332741 Ontario Inc. - Lot Line realignment

10.1.6 B10/047, B10/048 and B10/049 – Murray Code – Three New Lots.

10.1.7 B10/051 – Marjorie Mosseau – New Lot.

10.1.8 B10/059 – Grace McLaughlin – Lot Addition

10.1.9 B10/071 and B10/072 – Thomas Gardiner – Two Lot Additions.

The Hearing recessed at 11:45 a.m.

The Hearing reconvened at 1:30 p.m.

10.1.10 B10/074 – Martin Whyte – New Lot

10.1.11 B10/075 – Hugh and Christa McCulloch – New Lot

10.1.12 B10/076, B10/077 and B10/078 – Brian and Zita Donaldson – Three New Lots.

10.1.13 B10/079 – Bill and Karen Millward – Lot Addition.

10.1.14 B10/085 – Josh Foster – Lot Addition.

11. UPCOMING MEETINGS

Monday, August 30, 2010 @9:00 a.m.

Monday, October 18, 2010 @ 9:00 a.m.;

Monday, November 22, 2010 @9:00 a.m.; and

Monday, December 20, 2010 @9:00 a.m.

12. ADJOURNMENT – 2:35 p.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Leonard and Genice Collett **Hearing Date:** July 19, 2010
Agent: Collett Surveying Ltd.
LDC File #: B10/016
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 20 & 21 **Concession:** 1
Roll No. 0940 934 010 05600 **Consent Type:** New Lot

Purpose and Effect:

To sever a 42.49-ha vacant landholding and retain a 20.0-ha landholding with an existing dwelling and outbuildings. The lands are accessed via South Lavant Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	42.49-ha 683 m 609 m County Road	20.0-ha 373 m 609 m County Road
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?		Rural Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Policies, Section 4.2 Water Supply and Sewage Services, Section 4.5.2 County Roads, 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

BACKGROUND

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot.

The lands are located along County Road 16 and are legally described as Part Lots 20 & 21, Concession 1, former Township of Lanark, now in the Township of Lanark Highlands.

The property is designated as Rural and Organic Soils on Schedule 'A 4' of the Township's Official Plan and zoned Rural and Organic Soils on Schedule 'A 4' by Zoning By-law 2003-451. An existing residential use and accessory structures are currently constructed on the proposed retained lands. The proposed severed lot is currently vacant with residential uses proposed.

The application proposes to create a new lot with 683 metres (2242 feet) of road frontage, a depth of 609 metres (2000 feet) and an area of approximately 42 hectares (105 acres). The proposed retained lands will have 373 metres (1225 feet) of frontage, a depth of 609 metres and an area of 19.99 hectares (49.4 acres). Surrounding land uses are rural and low density residential.

Access is provided via County Road 16 or South Lavant Road. The lands will be serviced privately with septic and well.

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 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 Collette lands are designated Rural and Organic Soils on Schedule 'A 4' 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 proposal is to create two large lots on an existing roadway. The County will require an entrance permit prior to any new development proceeding.

ZONING

The lands are zoned Rural and Organic Soils on Schedule 'A 4' 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. It should be noted that the zoning schedule only identifies a small area in the eastern section of the proposed severed lot as having organic soils and the majority of the organic soils on the lands can be found on the proposed retained lands where no new development is proposed.

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. The proposal as submitted indicates sufficient area and frontage to meet the requirements of the Rural zone.

The proposal is an expected and desirable land use and as such represents good planning.

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, is 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 by submitted to the township.
- That the applicant pay any outstanding fees to the Township prior to final approval.
- That the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.

Conservation Authority – Mississippi Valley Conservation

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

According to the information provided, the purpose of the subject application is to sever a vacant 105.2 acre parcel of land and retain 49.4 acres with an existing residence, detached garage and outbuildings.

A review of available mapping shows Gunns Creek travelling through an unclassified wetland on the proposed retained lands. No natural heritage features were identified on the proposed severed lands.

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 on the severed lands. The proposed retained lands are already developed with no new development proposed at this time. We assume that any potential future development on the proposed retained lands will comply with the Zoning By-law, particularly with respect to the minimum setback from a waterbody/watercourse and the retention of a vegetated buffer.

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

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

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – A 105 +/- acre parcel of land which is treed with variable slopes. There are areas of wetness and rocky outcrops. Recommendation – additional sandy loam will be required in area of future tile bed.

Retained Lands – A 49 +/- acre parcel of land with an existing house serviced by a well and septic system. There are various buildings, i.e. garage, outbuildings on property. Recommendation – additional sandy loam will be required in area of future replacement tile bed.

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

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

County of Lanark Public Works -

The applicant has an approved existing entrance to the County Road for the retained lands - #2271.

The applicant has an approved entrance location to the County Road for the severed land - #2270.

A full entrance application must be submitted and entrance installed prior to deed endorsement for the severed lands.

That the Ontario Land Surveyor in preparing the reference plan describing the subject lot, shall consult directly with the Lanark County Public Works department to determine that the road allowance parallel to the lot is approximately 3 meters from the existing property limit. The County of Lanark requires the applicant to deed to "The Corporation of the County of Lanark, the land within the limits specified above, dedicated for road purposes across the frontage of the land being severed.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 42.49-ha vacant landholding and retain a 20.0-ha landholding with an existing dwelling and outbuildings.

The subject lands are located in an area characterized by sparsely scattered Residential lots on generally large landholdings along the South Lavant Road. A portion of the retained lands is classified as Organic Soils, no development is permitted included the installation of a septic system 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.

The lands are accessed via South Lavant Road (County Road #16), a county maintained road.

Soils Inventory – Western Portion

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

Eastern Portion

- Tennyson
- moderately stony
- 3 – moderate capability
- well drained
- 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 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 – July 19, 2010**

Leonard and Genice Colett, owners, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions. No further comments were 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:

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 Ontario Land surveyor in preparing the reference plan describing the subject lot, shall consult directly with the Lanark County Public Works Department to determine the road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration.
3. The applicant shall deed to, "The Corporation of the County of Lanark", the lands identified in Condition # 2. The deed, accompanied by a solicitor's certificate indicating that the county's title is free and clears of all encumbrances and the county has a good and marketable title shall be submitted to the County of Lanark Public Works Department for approval prior to registration.
4. The County Public Works Department shall confirm that the existing/proposed entrance to the lots to be severed has been installed to the satisfaction of the County.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

6. 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.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
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. 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).
11. A letter shall be received from the County of Lanark Public Works department stating that condition #2, # 3 and #4 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #10 has been fulfilled to their satisfaction.

NOTES

1. *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".*
2. *In addition, any proposed works in or near the creek and wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling on the severed lands.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill will be required in the tile bed area on the severed lands and in the future replacement tile bed are of the retained lands.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Gary Ennis **Hearing Date:** July 19, 2010
Agent: Michael Cooligan
LDC File #: B10/037
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 10 **Concession:** 10
Roll No. 0911 916 030 16200 **Consent Type:** Lot Addition

Purpose and Effect:

To sever a 10,241 sq.m. parcel of land as a lot addition to lands owned by Andree Cooligan at Pt Lot 10 Conc. 10, Bathurst Part 1 on RP27R-519. Access via Ennis Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Vacant Vacant
Area Frontage Depth Road - Access to	1.02-ha 90 m (water) 93 m Municipal Road	32.3-ha 400 m 550 m Municipal Road
Water Supply Sewage Disposal	None None	None none
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 2.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 2 General Provisions, Section 2..19 Natural Hazard Features, Section 2.21 Natural Heritage Features, Section 2.22 Water Supply, Sewage Disposal and Other Services, Section 2.23 Water Quality and Quantity, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

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 deed/transfer and two copies of the reference plan.

Conservation Authority – Mississippi Valley Conservation – June 2 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 applicant proposes to sever a vacant 1.02 ha vacant parcel of land as a lot addition to the adjacent lands at 1126 Ennis Rd., owned by A. Cooligan. The lot to be enlarged consists of a mobile home with an addition. The retained land is vacant and approximately 80 acres in size.

According to a review of available GIS mapping, the proposed retained, lot to-be-enlarged, and severed lands have frontage on Bennett Lake. In addition, the proposed retained land consists of two areas of unclassified wetland; one area on the north side of Ennis Road and another larger wetland to the south of Ennis Rd. An unnamed creek travels through the wetland located on the south side of the road and into Bennett Lake. In addition, a moderately high, steep slope descends to the lake along the water frontage on the subject lands.

The resulting lots meet with the current minimum area and frontage requirements set out in the Township of Tay Valley's Zoning By-law and sufficient area exists to locate future development in an area that complies with the zoning by-laws and various setback requirements. With all of this in consideration, MVC does not have any objection to the subject application provided the following mitigative measures are implemented for any future development:

1. No buildings or structures, including septic systems, shall occur within the greater of:
 - 30 metres from the lake, wetland, and unnamed watercourse or
 - the waterbody setback specified in the Zoning By-law at the time of new development, from the lake, wetland, and unnamed watercourse

2. With the exception of a maximum 9 metre wide clearing for water access, the vegetation along the shoreline shall be maintained to a minimum depth of 15 metres. The retention of vegetation on the slope leading to the lake is particularly important in order to assist in the maintenance of slope stability and to mitigate the effects of erosion and surface runoff on the lake. The removal of dead and diseased trees and the selective “limbing” of trees that may obstruct views are considered acceptable.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the lake, unnamed watercourse, wetland or onto adjacent properties.

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

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

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

On-Site Services (Septics) – Mississippi-Rideau Septic Office – June 2, 2010

A site visit was conducted at the above mentioned property by our office on June 1, 2010, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever a 1.02 hectare parcel for the purpose of a lot addition to Pt lot 10 part 1, Concession 10, known Municipal as 1126 Ennis Rd. The addition of this parcel will increase 1126 Ennis Rd to a total area of 1.18 hectares. Currently on the property there is a trailer with an attached addition, and storage shed. The waste water onsite is managed with a vault privy and greywater pit, there is no record of a sewage permit in CGIS.

The retained parcel is irregular in dimension and approximately 32.4 hectares in area. The retained parcel is identified as farm land by CGIS and is currently without a residence. The severance as proposed will have no impact on the ability to install, replace, operate or maintain an OBC compliant septic system on both the severed and retained portions of the property. Given the above information, our office has no objections to the severance as proposed.

All new septic systems should be located >30 meters from the high water mark as per Tay Valley Townships Official Plan and respect all required Ontario Building Code setback and construction requirements.

If you have any questions or concerns, please do not hesitate to contact our office.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.02-ha vacant parcel of land as a lot addition to lands owned by Andree Cooligan Pt Lot 10 Conc. 10, Bathurst being part 1 on RP27R-519. A travel trailer is located on the lands to be enlarged. As noted by the Mississippi-Rideau Septic Office the seasonal dwelling is serviced by a privy and greywater pit.

The subject lands are located in an area characterized by large landholdings in the immediate vicinity, with smaller type seasonal dwelling to the west and south west along Ennis Road.

The lands are accessed via a deeded right-of-way over the retained land, which adjoins Ennis Road, a municipally maintained road.

Soils Inventory – Name: Monteagle
- Stoniness: very stony
- CLI: 7 – no capability
- Drainage: well drained
- Hydrogeology: moderate

A “State of the Lake Environment Report’ was undertaken on Bennett Lake in 2006. Residential of Bennett Lake have volunteered their time in the past to provide water quality testing in the south basin, through the MOE Self Help Program in 1980 and Lake Partner Program in 1997. The Lake Report undertaken by MVC Watershed Watch Program provides a comparison between water quality conditions as they exist now, to results obtain over 30 year ago through the MOE Recreational Lake Program.

In general the water quality in Bennett Lake is good. Test results indicated that Bennett Lake is a moderately enriched (some nutrients) or mesotrophic lake. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel veligers (larvae) were detected. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – July 19, 2010**

Andree Cooligan, purchaser / agent, attended the hearing and gave evidence under oath.

Ms. Cooligan advised that there would be no development on the lands in the near future, and had agreed to enter into a "Site Plan Agreement" with the Township when development was planned.

The chair reviewed the staff report and draft conditions. .

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
6. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of June 2, 2010, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
7. A letter shall be received from Mississippi Valley Conservation stating that condition #6 has been fulfilled to their satisfaction.

8. A letter shall be received from Tay Valley Township stating that condition #2 through #6 has been fulfilled to their satisfaction.
9. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Andree Cooligan described as Part 1, Plan 27R-519, Part Lot 10 Conc. 10, geographic Township of Bathurst, now in Tay Valley Township, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES

1. *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements.*
2. *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements. Tay Valley*
3. *Township advises that development will be subject to "Site Plan Control".*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *Residents and users of Bennett Lake are encouraged to continue a stewardship approach to limit the amount of nutrients entering the lake.*
6. *Residents and users of Bennett Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
7. *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Lynda Roy

Hearing Date: July 19, 2010

Agent: N/A

LDC File #: B10/041

Municipality: Beckwith

Geographic Township:

Lot: 27 **Concession:** 8

Roll No. 0924 000 030 04800

Consent Type: Lot Addition

Purpose and Effect: To sever an 8.09-ha vacant landholding as a lot addition to lands owned by Lynda Roy at Pt Lot 27, Conc. 8 Beckwith, Part 1 Reference Plan 27R-3896 and retain a 36.8-ha vacant landholding. The lands are accessed via Ashton Station Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Vacant	Vacant
Area	8.09 ha	36.8 ha
Frontage	300 m	328 m
Depth	328 m	985 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	None	None
Sewage Disposal	None	None
Official Plan Designation -Conformity?		Rural Yes
Zoning Category	Rural	Rural
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan –Section 4 General development Policies, section 6 Land Use Policies – Rural, Section 7.3 Local Road, Section 9.10 Committee of Adjustment and Land Division Committee.

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

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

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

(b) AGENCY REVIEW

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

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

- That a paper copy of the registered reference plan be provided to the Township of Beckwith.

Conservation Authority – Rideau Valley Conservation Authority – April 16, 2010

The Rideau Valley Conservation Authority has reviewed the above noted severance application and determined that there are no matters that affect the Conservation Authority mandate or interests that would preclude the approval of this application. For the applicants information, there are two water courses on the retained lands that are subject to Ontario Regulations 174/06 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' and that no work may be performed within or on the banks of these watercourses without the prior approval of the Rideau Valley Conservation Authority.

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

Severed – A 20+/- acre parcel of land with existing house serviced by a raised leaching bed and well. Land is a combination of open field and bush. Additional sandy loam fill will be required in area of replacement leaching bed.

Retained – A 91-acre parcel of land with old outbuildings. Land is mainly treed. Slope and Drainage may vary. Additional sandy loam fill will be required in area of future tile bed.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever an 8.09-ha vacant landholding as a lot addition to lands owned by Lynda Roy at Pt Lot 27 Conc. 8, Beckwith being Part 1 on RP27R-3896 and retain a 37-ha vacant landholding with old abandoned building

The subject lands are located in an area characterized by Residential on large landholdings along the southern side of 9th Line Beckwith, the northern side of the road has a number lots and a residential subdivision is located to the north alone Ashton Station Road.

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

Soils Inventory – Name: Farmington
- 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 Beckwith and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – July 19, 2010**

Lynda Roy, owner, attended the hearing and gave evidence under oath.

Ms. Roy questioned draft Condition #5 consolidation, which was explained by the Chair.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
3. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
4. A letter shall be received from the Township of Beckwith stating that condition #2 and #3 has been fulfilled to their satisfaction.
5. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Lynda Roy described as Part 1, Plan RP27R-3896, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill will be required in the septic system area when replaced.*
2. *The Rideau Valley Conservation Authority advises that there are two water courses on the retained lands that are subject to Ontario Regulations 174/06 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' and that no work may be performed within or on the banks of these watercourses without the prior approval of the Rideau Valley Conservation Authority.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Joseph Zahab

Hearing Date: July 19, 2010

Agent:

LDC File #: B10/044 and B10/045

Municipality: Township of Montague

Geographic Township: Montague

Lot: 8 **Concession:** 6

Roll No. 0901 000 015 01000

Consent Type: Two new lots.

Purpose and Effect:

B10/044 - To sever a 2.14-ha residential building lot;

B10/045 – To sever a 2.04-ha lot with an existing dwelling and outbuildings; and to retain a 43.4-ha vacant landholding. The lands are accessed via William Campbell Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
Existing Use Proposed Use	<u>B10/044</u> Vacant Residential	<u>B10/045</u> Residential Residential	Vacant Vacant
Area Frontage Depth Road - Access to	2.14-ha 46.1 m 274.32 m Municipal Rd	2.04-ha 83.51 m 243.84 m Municipal Rd	43.3-ha 147.89 m 1678 m Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	Well Septic System	None None
Official Plan Designation -Conformity?	Rural and Wetland Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 46 m Yes	Rural 0.4-ha Yes 46 m Yes	

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan –Section 4 General development Policies, Section 5 Rural Lands Policy, Section 11 Wetlands, Sensitive Areas and Endangered and Threatened Species Habitat, Section 12 Road Proposals, Section 13 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 General Provisions, Section 18 Rural Zone.

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

(b) AGENCY REVIEW

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

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

- That 5% cash-on-lieu of parkland be paid to the Township of Montague for each new lot created.
- The applicant shall be required to obtain an entrance location permit from the Township of Montague.
- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if application) shall be paid to the Township.
- That a copy of the reference plan to be provided to the Township of Montague.
- The 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 whether 10 metres (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 – April 30, 2010-07-05

The RVCA has reviewed these proposed severances and determined that there are no natural hazards or natural heritage features on this property that preclude the approval of these applications. For the applicant's information, we note that there is a Provincially Significant Wetland known as Porter Swamp on the retained land, This wetland is regulated under OReg 174/06 as administered by the Rideau Valley Conservation Authority. Thank you for circulating and please contact me at extension 1137 if you have any questions.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
B10/044 – 2.14-ha vacant parcel is flat scrubland with rock at or close to the surface of the ground. Recommendation – there is adequate space for a house, well and septic system. Fill will be required under the leaching bed.

B10/045 – 2.04-ha parcel contains a dwelling, garage, pool, well and raised septic system. Land is flat with rock at or close to the surface of the ground. Recommendation – satisfactory. There is adequate space on parcel for a replacement system.

Retained Lands – 43.3-ha vacant parcel is flat scrubland with rock at or close to the surface of the ground. Recommendation – there is adequate space for a house, well and septic system. Fill will be required under the leaching beck.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lots (2.14-ha and 2.04-ha) and retain a 43.4-ha vacant landholding. B10/045 has an existing dwelling and outbuildings, B10/044 and the retained lands are currently vacant.

The subject lands are located in an area characterized by Residential on both large and smaller type lots along William Campbell Road.

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

Soils Inventory – Name: Farmington
- Stoniness: slightly stony
- CLI: 6 Natural grazing only
- Drainage: well drained
- Hydrogeology: moderate

Porter Swamp, a PSW is located on the southerly portion of the retained lands as well as to the east of land lands. No development is permitted within these lands or within 120 metres of the boundary of the lands. The southerly portion is also a wintering deer yard.

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**

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:

Further to the Notice of Application for Consent received by us with regard to file no.: B10/044 and B10/045 part lot 8 conc. 6 Township of Montague we are forwarding our concerns with regard to the matter.

I contacted the office and was given the following information the first severance no B10/044 will have a frontage of 46.1 meters or 151 feet 2 9/10 inches the severance no. B10/045 will have a frontage of 83.51 meters The retained land after the first severance B10/044 will be 185.3 meters or 607 feet 11 2/10 inches to the edge of our property.

In accordance with the attached survey Plan 27R -7970 received and deposited on January 14 2002 completed by George Bracken Limited on the west half of Lot 8 conc. 6 the frontage for the west half is 837.44 feet plus 15.93 feet of frontage on the cemetery lot for a total of 853.37 feet. It describes this as being the line between the west half and the east half of Lot 8 conc. 6. It is my understanding although I may be incorrect that the total frontage for the east half of lot 8 conc. 6 would be the same as the west or a total of 853.37.

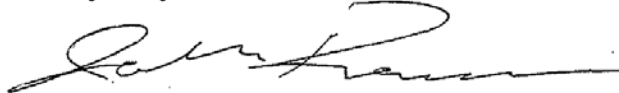
My understanding of the severance calculation obtained from your office are as follows:

	Meters	Feet/inches
First severance B10/044	46.1	
Retained land	<u>185.3</u>	
Total	231.4	
Plus frontage on cemetery	<u>39.0204</u>	<u>128.02</u>
Total frontage used in calculation	270.4204	887.206
survey Plan 27R -7970 calculations	<u>260.107</u>	<u>853.37</u>
Calculation overage approximate	10.3134	33.8366

We wish to ensure that a formal survey will be undertaken to ensure our concerns are addressed as it would appear the additional 34 feet would come off our property as we are the property immediately adjacent to the second severance no. B10/045.

We do not at this time have any other concerns with regard to this matter except the calculations of the severances as detailed above. Please notify of us of the results and if any further action is required by us to protect our rights. We can be reached at the telephone number or address detailed below.

Thank you for your consideration in this matter.



Susan and John Reynolds
829 William Campbell Road
Smiths Falls Ontario K7A 4S6

Telephone 613-283-6219
Email sj.Reynolds@hotmail.com (please note hotmail does not let all users in)

(e) **MINUTES – July 19, 2010**

Joseph Zahab, owner, attended the hearing and gave evidence under oath.

Mr. Zahab advised, in regards to the Reynolds letter, that if the lot frontage of B10/044 did not meet the minimum requirement of 45 m as shown on the sketch, that the additional frontage required would be obtained from the retained lands.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B10/044

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. 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).
3. The applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
6. The 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 whether 10 metres (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.
7. A letter shall be received from the Township of Montague stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advise that there is a Provincially Significant Wetland known as Porter Swamp on the retained land, This wetland is regulated under O.Reg 174/06 as administered by the Rideau Valley Conservation Authority.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*

3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill will be required in the septic system area.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill will be required in the future septic system area on the retained lands.*

B10/045

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. 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).
3. The applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
6. The 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 whether 10 metres (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.
7. A letter shall be received from the Township of Montague stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advise that there is a Provincially Significant Wetland known as Porter Swamp on the retained land, This wetland is regulated under O.Reg 174/06 as administered by the Rideau Valley Conservation Authority.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill will be required in the future septic system area on the retained lands.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: 1332741 Ontario Inc.

Hearing Date: July 19, 2010

Agent: Daniel C Fenandes

LDC File #: B10/046

Municipality: Township of Beckwith

Geographic Township: Beckwith

Lot: 25 and 26 **Plan:** 27R-36

Roll No. 0924 000 030 06131

Consent Type: Lot Line adjustments.

Purpose and Effect:

To sever Part 3 on Plan 27R-5008 and Lot 25 on Plan 27M-36 into two parts as lot additions to lots fronting on Ashton Creek Crescent, as lot line adjustments and consolidations.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Official Plan Designation -Conformity?	Residential Yes	
Zoning Category	Residential	Residential
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes

(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 5 Community Development Areas, Section 7.3 Local Roads, Section 9.10 Committee of Adjustment and Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 5.1 Residential Zone.

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

(b) AGENCY REVIEW

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

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

- That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
- That a paper copy of the registered reference plan be provided to the Township of Beckwith.
- That the location of entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.
- That the applicant provides a letter of undertaking, to the satisfaction of the Township, stipulating that the severed lots shall be developed with the same covenants as in Ashton Creek Estates Subdivision Plan No. 27M-36.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has reviewed this application for severance and recognize that it is essentially a lot addition and lot severance to increase the number of lots within a recently registered subdivision (09-T-06092) by one. We have determined that there are no matters that affect the Conservation Authorities' mandate or interest and therefore have no objection to, or conditions of approval for this severance proposal. Thank you for circulating to us.

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

Severed Lands – contains a house (under construction), well and septic system. There is less than 2 ft of silty sand over bedrock. Recommendation – new septic system received completion certificate from our office on January 12, 2010.

Retained Lands – vacant and open. There is less than 2 ft of silty sand over bedrock.

Recommendation – there is adequate space on parcel to accommodate a new home, well and septic system. The leaching bed will need to be raised on imported fill.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to realign two lots – one within a plan of subdivision (27M-36 – Ashton Creek Estates Subdivision) and one outside the plan of subdivision. The new configuration will result in two lots nearly identically sized lots, however both lots will now front onto Ashton Creek Crescent.

As noted by the Township the newly configured lots will be required to comply with the subdivision agreement regulating the Ashton Creek Estates Subdivision.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – July 19, 2010**

Daniel Fernandes, solicitor / agent, attended the hearing and gave evidence under oath.

Mr. Fernandes reviewed the lot line realignment process being presented. To be clear on the consolidation process, draft condition #2 was amended accordingly. Mr. Fernandes advised that the consolidation as presented in the draft / amended conditions would satisfy the requirements of the Planning Act and Land Titles Act.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. The lands to be severed are for the purpose of a lot line realignment and consolidation only. The applicant shall prepare two deeds / transfers to complete the "Conditions of Consent Decision". Lot 25 Plan 27M-36 shall be split into two parcels and Part 3 on Reference Plan 27R-5005 shall be split into two parcels. Consolidation shall take place in accordance with Conditions No. 3 and 4 following.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 and Condition #2 above, shall include the following condition:
Part "A" - The lands to be severed are for the purpose of a lot consolidation only of lands owned by 1332741 Ontario Inc. and described as Part 1 and 2 on, on a reference Plan prepared by G.A. Smith Ltd (File No. 09-4142) Pt Lot 27 Conc. 9 Township of Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 and Condition #2 above, shall include the following condition:
Part "B" - The lands to be severed are for the purpose of a lot consolidation only of lands owned by 1332741 Ontario Inc. described as Part 3 and 4, on a reference Plan prepared by G.A. Smith Ltd (File No. 09-4142) Pt Lot 27 Conc. 9 Township of Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
6. The applicant shall obtain an entrance location permit from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
7. The applicant shall provide a letter of undertaking, to the satisfaction of the Township, stipulating that the severed lots shall be developed with the same covenants as in Ashton Creek Estates Subdivision Plan No. 27M-36.
8. A letter shall be received from the Township of Beckwith stating that condition #5 to #7 has been fulfilled to their satisfaction.

NOTES

- *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
- *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area on the retained lands.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Murray Code

Hearing Date: July 19, 2010

Agent:

LDC File #: B10/047, B10/048 and B10/049

Municipality: Township of Drummond / North Elmsley

Geographic Township: Drummond

Lot: 13 **Conc.:** 3

Roll No. 00919 919 010 30100

Consent Type: Three New Lots.

Purpose and Effect:

B10/047 - To sever a 0.80-ha residential building lot;

B10/048 – To sever a 0.8-ha residential building lot;

B10/049 – To sever a 0.80-ha residential building lot, and to retain an 8.1-ha vacant landholding.

The lands are accessed via Tennyson Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	<u>B10/047</u>	<u>B10/048</u>	<u>B10/049</u>	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Vacant Vacant
Area Frontage Depth Road - Access to	0.8-ha 58.8 m 137.5 m Municipal	0.8-ha 58.8 m 137.5 m Municipal	0.8-ha 58.8 m 137.5 m Municipal	8.1-ha 133.5 m 335 m Municipal
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Proposed Proposed	None None
Official Plan Designation -Conformity?	Rural Yes			
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes		Rural 10.0-ha Yes 45 m Yes	

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3 Rural 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 General Provisions, Section 7 Rural Zone

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

(b) AGENCY REVIEW

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

D/NE Planner's Report

1. PURPOSE: See applications

2. BACKGROUND: The subject property is currently designated as Rural in the Township's

Official Plan, and is currently zoned Rural (RU) zone.

3. 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/and 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 proposed severances conform to the Township's Official Plan and Zoning By-Law, for both the severed parcels and the retained parcel. Mr. Code owns land on both sides of Tennyson Road in Lot 13: however, no previous severances have been sought from this parcel on the south side of Tennyson Road.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The applicant shall provide the Township 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 application shall consult directly with the Township of Drummond / North Elmsley in this regard.

Conservation Authority – Rideau Valley Conservation Authority – April 28, 2010

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

The proposals involve the creation of three parcels of 0.8 ha with 79.7 hectares remaining in the retained parcel. Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a small seasonal watercourse flowing southeast through the proposed lot from the north side of Tennyson Road. The headwater area of this watercourse is small (<2 sq km). The subject lands are flat and consist of cleared agricultural lands.

A site inspection of the property indicated that there was a watercourse/ditch with standing water within a row of trees to the rear of the property. Water flows through a culvert on Tennyson Road to the east across the subject property. There are no defined banks for the portions of the watercourse and it appears it flows through low areas across the subject lands from east to west. This section of the property is low lying and may be subject to seasonal standing water.

The applicant must contact the Conservation Authority prior to works related to straightening, changing, diverting, or interfering along the watercourse. These activities are subject to regulation under Section 28 of the Conservation Authorities Act. The RVCA recommends a 30 metre setback (as required by the Township zoning requirements) from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land. We assume that development will be located along Tennyson Road which will address issues related to setbacks.

We have no objection to the applications provided that 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.

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

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

(Same comments for each application)

Severed lots – 0.8-ha vacant parcel of agricultural farmland – open field. Recommendation – additional sandy loam fill may be required in area of future tile bed.

Retained land – a 9.7-ha vacant parcel of agricultural farmland – open field. Additional sandy loam may be required in area of future file bed.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) residential building lots, each 0.8-ha in size and retain a 9.7-ha vacant landholding. The subject lands are located in an area characterized by Residential along Tennyson Road.

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

Soils Inventory – Name: North Gower
- Stoniness: Non-stony
- CLI: 2 - moderate limitations
- Drainage: Poorly
- Hydrogeology: High run-off

The lands are located north of the Hands Quarry and are a further 400m north of the influence or setback area of the quarry. However, if approved, a caution should be placed on the deeds advising of the proximity to the quarry operation.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – July 19, 2010**

Murray Code, owner and James Code, son of owner, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions. No further comments were 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:

B10/047

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

2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation (quarry), and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
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 Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. 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.
6. 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.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The applicant must contact the Conservation Authority prior to works related to straightening, changing, diverting, or interfering along the watercourse. These activities are subject to regulation under Section 28 of the Conservation Authorities Act.*
2. *The RVCA recommends a 30 metre setback (as required by the Township zoning requirements) from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area on the severed and retained lands.*

B10/048

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

2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation (quarry), and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
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 Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. 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.
6. 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.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The applicant must contact the Conservation Authority prior to works related to straightening, changing, diverting, or interfering along the watercourse. These activities are subject to regulation under Section 28 of the Conservation Authorities Act.*
2. *The RVCA recommends a 30 metre setback (as required by the Township zoning requirements) from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area on the severed and retained lands.*

B10/049

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

2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation (quarry), and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
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 Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. 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.
6. 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.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The applicant must contact the Conservation Authority prior to works related to straightening, changing, diverting, or interfering along the watercourse. These activities are subject to regulation under Section 28 of the Conservation Authorities Act.*
2. *The RVCA recommends a 30 metre setback (as required by the Township zoning requirements) from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area on the severed and retained lands.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Marjorie Mosseau

Hearing Date: July 19, 2010

Agent:

LDC File #: B10/051

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 20 **Concession:** 8

Roll No. 0940 934 015 21805

Consent Type: New Lot

Purpose and Effect:

To sever a 1.6-ha residential building lot and retain a 9.1-ha landholding with an existing dwelling and outbuildings. The lands are accessed via Galbraith Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	1.6-ha 60 m 136 m Municipal Road	9.1-ha 151 m Irregular Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 3 Growth and Settlement, Section 3.6 Rural Area. Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 7.5 Natural Heritage Features, 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 Planners Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot.

The lands subject to this application are located on Gaibraith Road and are legally described as Lot 20, Concession 8, former Township of Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever approximately 1.6 ha of land from a 22.5 acre parcel. The proposed severed lands will have 60 metres of frontage and a depth of 116 metres. The proposed retained lands will have 151 metres of frontage on Galbraith Road. The property is designated as Rural and Deer Yard on Schedule A 4 of the Township's Official Plan and zoned Rural and Deer Yard on Schedule A 4 by Zoning By-Jaw 2003-451.

The proposal if approved will create a new residential lot. The retained lands are residential with a sugar shack operation as an additional use.

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.

Access is provided via a municipal roadway and both the proposed and retained lots will have sufficient frontage and as such no new infrastructure will be required.

Servicing of the lots will be via private sewage and septic systems and the lots appear to be of sufficient size to accommodate septic fields and the necessary separation distances. Permits from the Health Unit will be required prior to any development proceeding.

Provincial policy outlines that areas of significant wildlife habitat be protected for the long term. As the lands have been designated as part of a deer yard the applicant will need to demonstrate prior to final registration that an additional residential lot will not adversely impact the deer yard. A condition of severance will address consistency with provincial policy.

OFFICIAL PLAN

The subject lands are designated Rural on Schedule 'A 4' 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.

As the lands are also designated as deer yard the applicant is required to submit documentation from a qualified professional that the deer yard will not be adversely impacted by means of this application. Mississippi Valley Conservation is now undertaking assessment of development applications with respect to deer yards and will provide an opinion of impact.

The proposal as submitted can achieve the aforementioned directives of the Official Plan.

ZONING

The lands are zoned Rural and Deer Yard on Schedule A 4' of Zoning By-law 2003-451. The proposal meets the performance standards of the zoning by-law and the proposed residential use is permitted.

DISCUSSION

The application as submitted is consistent with the PPS, Official Plan policies and complies with zoning. The application as proposed can be considered as appropriate and as such represents good planning.

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. That the applicant provide an opinion from a qualified professional that the proposed additional lot will not adversely impact the deer yard.
6. That the applicant submit the 5% cash in lieu of parkland dedication fee to the Township.

Conservation Authority – Mississippi Valley Conservation – June 28, 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.

It is our understanding that the purpose of the subject application is to sever a vacant 1.6-ha building lot and retain 9.1 ha with an existing dwelling and outbuildings.

As revealed by a review of available GIS mapping, the subject lands are located entirely within an area identified by the Ministry of Natural Resources as a significant deer wintering area.

The Provincial Policy Statement (PPS) states that development and site alterations may be permitted in significant wildlife habitat if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified. In order to address this policy, MVC provided the landowners with a simplified Environmental Impact Statement (EIS) form and requested its completion. Upon receipt of the completed form, MVC's Biologist conducted a review with the following recommendations for any new development on the subject lands:

- Removal of terrestrial vegetation shall be kept to the minimum required to develop the site.
- Removal of vegetation shall not occur between May 15th and July 15th to protect breeding birds.
- If any species at risk is observed during construction, the Ministry of Natural Resources shall be contacted immediately.
- Use of invasive non-native plant material shall be discouraged.
- Use Best Management Practices (BMP's) for low impact construction is recommended.
- Pet dogs shall be controlled and not allowed to disturb or harass deer.

MVC does not have any objection to the subject severance provided the recommendations outlined above are adhered to.

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

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

Severed Land – a vacant 1.6-ha parcel of land. Land is a combination of trees and open field. Recommendations – Additional sandy loam fill will be required in area of future tile bed.

Retained Lands – A 22.5 acre parcel of land with an existing house serviced by a well and septic system. Recommendation – additional sandy loam fill may be required in area of future replacement leaching bed area.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever a 1.6-ha residential building lot and retain a 9.1-ha landholding with an existing dwelling and outbuildings (1477 Galbraith Road). The proposed lands are currently vacant.

The subject lands are located in an area characterized by Residential, one varying sizes of lots along Galbraith Road and 9th Conc. 9 Lanark.

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

Soils Inventory – Name: Tweed

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

The lands are located within the Middleville Deer Yard. And as such, a simplified EIS was undertaken by the applicant and reviewed by the Conservation Authority. Development constraints will be placed on the lands for future development.

Organic Soils are found on the south east corner of the retained lot, no development permitted without a soils report in accordance with the Building Code Act.

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 – July 19, 2010

Marjorie Mosseau, owner and Earl Mosseau, attended the hearing and gave evidence under oath.

Mr. Mosseau questioned the length of time before they could obtain a deed. The chair advised that this depended on the time required to complete the survey and clear the conditions in order to obtain the deed.

The chair reviewed the staff report and draft conditions. No further comments were 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:

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 the Township of Lanark Highlands.
3. 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.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. 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. 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 28, 2010 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. A letter shall be received from Mississippi Valley Conservation stating that condition #8 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #2 through #8 has been fulfilled to their satisfaction.

NOTES

1. *Future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *Landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Grace B McLaughlin **Hearing Date:** July 19, 2010
Agent: David Heeley
LDC File #: B10/059
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 6 **Concession:** 7
Roll No. 0911 911 010 07010 **Consent Type:** Lot Addition

Purpose and Effect:

To sever a 1593 sq.m. parcel of land as a lot addition to lands owned by Christine Melville at Pt Lot 6 Conc. 2, geographic Township of North Burgess being parts 10 & 11 on RP27R-3854, Tay Valley Township. The lands are accessed via Loon's Way

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Vacant	Residential
Area	1593 sq. m	4.14-ha
Frontage	10 m	134 m (on water)
Depth	163.4 m	460 m
Road - Access to	Private Road	Private Road
Water Supply	None	Proposed
Sewage Disposal	None	Proposed
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning Category	Seasonal Residential	Seasonal Residential
-Area Required (min.)	not applicable – lot	0.405-ha
-Compliance?	addition	Yes
-Frontage Required (min.)		60 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – section 2 General Provisions, Section 3.4 Natural Heritage, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division.

Tay Valley Township has advised that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 5.2 Seasonal Residential Zone. Tay Valley Township has advised that the proposal complies with the zoning by-law regulations.

(b) **AGENCY REVIEW**

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

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

- Payment of all taxes owing
- Payment of all costs incurred by the Township for the review process.
- Copy of deed / transfer
- Two copies of the reference plan.

On-Site Services (Septics) – Mississippi-Rideau Septic Office – May 28, 2010

A site visit was conducted at the above mentioned property by our office on May 25, 2010, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever a 0.163 hectare parcel, with road frontage of 10 m by 163 m deep for the purpose of lot addition to Part lot 6 parts 10&11, Concession 7, known municipally as 838 Loon's Way. 838 Loon's way has an existing dwelling, garage and septic system (Permit # SF57291).

The retained parcel is irregular in dimension and approximately 4.14 hectares in area. The retained parcel is currently vacant.

The proposed severance will not impact the ability of either parcel to install an OBC compliant septic system. Given the above information, our office has no objections to the severance as proposed.

Conservation Authority – Rideau Valley Conservation – May 25, 2010

The Rideau Valley Conservation Authority has completed a review of the above noted application which would convey a portion of the property at Part Lot 6, (Parts 7, 8, and 9), Concession 7, North Elmsley to the abutting landowner known municipally as 838 Loon's Way. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

There have been no natural heritage/hazards identified on the property which would preclude this application.

For the applicant's information Otty Lake is subject to Ontario Regulation 174/06. The prior written approval is required from the Conservation Authority for any straightening, changing, diverting or interfering in any way with the existing shoreline under Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations" as administered by the Rideau Valley Conservation Authority under Section 28 of the Conservation Authorities Act.

This particular application is for a lot line adjustment only, which will have the effect of enlarging the lot at 838 Loon's Way. Due to the orientation of the severed parcel to be conveyed, there will be no increase in the water frontage at 838 Loon's Way.

Conclusion

In conclusion the Conservation Authority has no objection or conditions to this lot line adjustment. Please forward notice of the Committees decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below. Please contact me at ext. 1191 if you have any questions.

Otty Lake Association – June 21 2010

This letter is in response to the Notice of Application for Consent by Christine Melville, File No. B10/059 for Pt Lot 6, Conc 7, geographic Township of North Burgess, Tay Valley Township.

The Land Use Committee, of the Otty Lake Association, fully supports the lot addition proposed by Mrs. Melville.

We wish to be informed of the Public Meeting that will be scheduled following your review of the proposal.

We would also ask to be notified of the decision of the Land Division Committee in respect of the proposed consent.

Thank you for the opportunity to comment on this proposal.

(c) PLANNING REVIEW

The applicant proposes to sever a 1593 sq. m parcel of land as a lot addition to the adjoining lands. The proposed lot addition clears up the miss-shaped lot line.

The subject lands are located in an area characterized by seasonal residential on a variety of larger type lots along the north shore of Otty Lake / Mud Lake.

The lands are accessed via Loons Way a private r-o-w, which adjoins, a municipally maintained road.

A "State of the Lake Environment Report" was undertaken on Otty Lake in 2002-2004. The reports were able to conduct a comparison between water quality conditions as they existed in 2002 and 2004, to results obtained through the years from 1971. In general the water quality in Otty Lake is good. Water Clarity (TKN) and Total Phosphorus Loading (TP) calculations indicate higher than usual when compared to other area lakes. The elevated concentrations of TP and TKN are to blame for the bloom of blue-green algae that occurred in 2002. Such blooms and increasingly profuse weed growth can be expected in shallow areas of Otty Lake. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake

environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

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

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

(d) PUBLIC INPUT

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

(e) MINUTES – July 19, 2010

Christina and Bob Melville, purchaser and David Heeley, agent / solicitor, attended the hearing and gave evidence under oath.

Mr. Melville explained that the agreement of purchase and sale was for approximately ½ acre and that due to the configuration of the lot the dimensions shown on the application may vary more than the 10%. The Committee agreed and authorized the Secretary to approve the deed if there is a variation greater than 10%, provided the intent is maintained.

The chair reviewed the staff report and draft conditions. No further comments were 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:

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. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. A letter shall be received from Tay Valley Township stating that condition #2 through #5 has been fulfilled to their satisfaction.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Christine Melville described as Parts 10 & 11 Plan 27R-3854, Part Lot 6 Conc. 7, geographic Township of North Burgess, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES

1. *The Rideau Valley Conservation Authority advises that Otty Lake is subject to Ontario Regulation 174/06. The prior written approval is required from the Conservation Authority for any straightening, changing, diverting or interfering in any way with the existing shoreline under Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations" as administered by the Rideau Valley Conservation Authority under Section 28 of the Conservation Authorities Act.*
2. *Residents and users of Otty Lake / Mud Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
3. *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Thomas Gardiner

Hearing Date: July 19, 2010

Agent:

LDC File #: B10/071 and B10/072

Municipality: Township of Beckwith

Geographic Township: Beckwith

Lot: 3 & 4 **Concession:** 9

Roll No. 0924 000 025 06700

Consent Type: 2 Lot Additions

Purpose and Effect:

B10/071 – To sever a 3870 sq.m. parcel of land as a lot addition to lands owned by Fausto Chippa and Tracy Rumbell. These lands lie between Morning Dove Lane and Squaw Point Road.
B10/072 – To sever a 123.7 sq.m. parcel of land as a lot addition to lands owned by Raymond and Elizabeth Vaillancourt. The lands lie between the Vaillancourt lands and Chickadee Lane.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
Existing Use Proposed Use	<u>B10/071</u> Vacant Vacant	<u>B10/072</u> Vacant Vacant	Vacant Vacant
Area Frontage Depth Road - Access to	3870 sq.m. 56.92 m Irregular Private ROW	123.7 sq.m. 19.82 m 6 m Private ROW	44.0-ha 900 m Irregular Private ROW
Water Supply Sewage Disposal	None None	None None	None None
Official Plan Designation -Conformity?	Wetlands Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural, Wetlands & Floodplain Not Applicable – lot additions		Rural, Wetlands & Floodplain 0.4-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

Section 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall

relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – section 4 General Development Policies, Section 6.4 Flood Plain Policies, Section 6.5 Wetland Policies, Section 6.6 Rural Land Policies, Section 7.4 Private Roads, Section 9.10 Committee of Adjustment and Land Division Committee.
The Township of Beckwith advises that the proposal conformed to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 11 Rural Zone, Section 12 Flood Plain Zone, Section 13 Wetland Zone.
The Township of Beckwith advises that the proposal complies with the zoning bylaw regulations.

(b) AGENCY REVIEW

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

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

- That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
- That a paper copy of the registered reference plan be provided to the Township of Beckwith.
- That a right-of-way be provided across the lot to be enlarged (B10/071) in order to provide continued access to properties located on the privately maintained Morning Dove Lane.

(c) PLANNING REVIEW

The applicant proposes to sever two lot additions. 3870 sq.m. and 123.7 sq.m. and retain a 45-ha vacant landholding. The proposed lot additions will clear up the miss-shaped lot lines and provide additional area for the smaller type lots.

The subject lands are located in an area characterized by Seasonal Residential on smaller 'cottage' type lots. The lands are accessed via Squaw Point Road a private r-o-w, which adjoins Scotch Corners Road, a municipally maintained road.

A "State of the Lake Environment Report" was undertaken on Mississippi Lake in 2002 and 2006. The reports were able to conduct a comparison between water quality conditions as they existed in 2006 and 2002, to results obtained some 30 years earlier. In general the water quality in Mississippi Lake is good. Chlorophyll a testing indicated that the average a density for the Lake has dropped almost five times between 1975 and 2006. However, nutrient loading has increased, therefore every effort should be made to reduce nutrient loading into the lake from land use activities. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents and property owners need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

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

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

(d) PUBLIC INPUT

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

Michael and Sharon Potts and Helene McLean – May 28, 2010

This letter is to advise you that we wish to be notified of the date of the public meeting concerning the above matter.

We would also wish to be notified of the Decision of the Land Division Committee in respect of the proposed consent.

Dave Kemp – June 4, 2010

Please be advised that our family has serious concerns with this severance application. We are directly involved because this severance will all make our property immediately adjacent to an unauthorized landfill site. It should not be allowed without proper approvals by all Provincial, county and township legislators. I will provide more information at a future date. Please advise me of any approval proceedings. Please advise me as soon as possible of the original date of severance application.

(e) MINUTES – July 19, 2010

Thomas Gardiner, agent, attended the hearing and gave evidence under oath.

Mr. Gardiner advised that in regard to Mr. Kemp letter, that Mr. Chippa has since removed and cleaned up some of the old equipment and debris on the lands to be severed by B 10/071.

The chair reviewed the staff report and draft conditions. No further comments were 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:

B10/071

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. An appropriate right-of-way shall be granted to others to provide continued access to properties located on the privately maintained road, locally known as Morning Dove Lane.
3. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
6. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Fausto Chippa and Tracy Rumbell described as Part 1, Plan 27R-1091, Part Lot 3 & 4 Conc. 9, Township of Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES

1. *The Mississippi Valley Conservation advises that the lands are regulated under Ontario Regulation 153/06 -“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. The property owners should be advised that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Mississippi Lake, or for any alterations to the shoreline of the lake.*
2. *In addition, in accordance with MVC’s Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*

5. *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

B10/072

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 deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
5. A letter shall be received from the Township of Beckwith stating that condition #3 and #4 has been fulfilled to their satisfaction.
6. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Raymond and Elizabeth Vaillancourt described as Part 1, Plan 27R-4131, Part Lot 3 & 4 Conc. 9, Township of Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES

1. *The Mississippi Valley Conservation advises that the lands are regulated under Ontario Regulation 153/06 -“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. The property owners should be advised that written permission is required from MVC prior to the initiation of any potential future development or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Mississippi Lake, or for any alterations to the shoreline of the lake.*
2. *In addition, in accordance with MVC’s Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed*

works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

3. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
5. *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Martin Whyte **Hearing Date:** July 19, 2010
Agent: N/A
LDC File #: B10/074
Municipality: Town of Carleton Place
Geographic Township: **Lot:** 14 & 16 **Plan:** 7211
Roll No. 0928-030-065-27100 **Consent Type:** New lot

Purpose and Effect: To sever a 605 sq. m. residential building lot and retain a 719 sq. m. lot with an existing dwelling. The lands are accessed via Arthur Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	605 sq m	719 sq m
Frontage	11.3 m	13.4 m
Depth	53.6 m	53.6 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Municipal	Municipal
Sewage Disposal	Municipal	Municipal
Official Plan Designation -Conformity?	Residential Yes	
Development Permit Category	Primary Residential	Primary Residential
-Coverage (min.)	60%	60%
-Compliance?		
-Frontage Required (min.)	10.6 m	10.6 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

1.1.3 Settlement Areas

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

Section 1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable

existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement area. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

Official Plan – Section 3 – General Provisions, Section 4.2 Residential Policies, Section 5 Transportation, Section 7.4 Subdivision and Part-lot control.

The Town of Carleton Place advises that the proposal conforms to the designations and policies of the Official Plan.

Development Permit By-law - Section 2.17 Development Review Process, Section 3.0 General Provisions, Section 5.0 Residential designations.

The Town of Carleton Place advises that the proposal complies with the Development Permit By-law requirements.

(b) AGENCY REVIEW

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

Town Planner's Report

SUMMARY

A consent application has been received for the property known municipally as 126 Arthur Street. There is an existing single family house on the lot and the applicant intends to sever one residential lot from the existing parcel. The severed lot would be approximately 11 metres wide and 590m². The retained parcel would be approximately 13 metres wide and 710m². A key map has been distributed.

COMMENT

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the application will be to create a 1 vacant building lot and a lot with an existing single family home. The retained parcel exceeds the lot frontage requirements of the designation, however, the severed parcel is very close to the minimum lot frontage, and a survey will be required to confirm there is enough land to sever.

The sketch provided with the consent application does not accurately depict the location of the existing building. The existing dwelling unit will be required to meet Building Code requirements regarding the setback to the property and the percentage of openings as well as the designation requirements. If the building does not conform to the Development Permit By-law, the applicant will take any and all steps to bring the property into compliance. A surveyor's report will satisfy this condition. Since this is an infill lot, a grading and drainage plan will be required in order to ensure that the proposed grading does not affect the adjacent lots. Building elevations of the proposed dwelling unit will be required to ensure that the residential character of the neighbourhood is maintained.

Town of Carleton Place – 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 Town.
2. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
3. That the applicant provides a digital copy of the reference plan (in NAD83 datum);
4. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area 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.
5. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
6. That a right of way easement be created to address the shared driveway.
7. That building elevations be provided that demonstrate that the existing character of the neighbourhood is maintained.
8. That the new lot and any structures to be built on it will not be permitted any variations to the provisions of the Residential Designation in the Development Permit By-law of the Town of Carleton Place.
9. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever a 605 sq.m. residential building lot and retain a 719 sq.m. residential lot with an existing dwelling. The two lots were originally part of Compiled Plan 724 Pts 14 and 16, which merged on title through Universal Subdivision Control June 27, 1970.

The subject lands are located in an area characterized as Residential on typical town lots in the South West Section of the Town of Carleton Place. The Rail Line, Fire Station and OPP Station are located 430 metres to the west of the lot and the Mississippi River is approx. 700 metres north.

The lands are accessed via Arthur Street, a municipally maintained street.

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 Town of Carleton Place 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 – July 19, 2010**

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

Mr. Whyte expressed concerns with conditions required by the Town of Carleton Place, as some of them deal with construction, and he only intends to sell a vacant lot. The chair advised Mr. Whyte to review the conditions and submit his concerns to the Town directly in order to come to an agreement on how to satisfy the conditions. The chair also noted that the conditions are required in order to meet the requirements of the Development Permit By-law of the Town.

The chair reviewed the staff report and draft conditions. No further comments were 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:

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 the Town of Carleton Place.
3. The applicant shall provide a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
4. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
5. The applicant shall provide the Town of Carleton Place with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area 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.

6. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
7. That a right of way easement be created to address the shared driveway.
8. The applicant shall provide the Town of Carleton Place with building elevations to demonstrate that the existing character of the neighbourhood is maintained.
9. The new lot and any structures to be built on it will not be permitted any variations to the provisions of the Residential Designation in the Development Permit By-law of the Town of Carleton Place.
10. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.
11. A letter shall be received from the Town of Carleton Place stating that condition #2 through #10 has been fulfilled to their satisfaction.

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Hugh & Christa McCulloch

Hearing Date: July 19, 2010

Agent:

LDC File #: B10/075

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 1 **Concession:** 5

Roll No. 0911 916 020 00100

Consent Type: New Lot

Purpose and Effect:

To sever a 6.48-ha residential building lot and retain a 23.5-ha landholding with an existing dwelling and outbuildings. Two previous severances were subdivided from the original parcel (2003 and 2007). The lands to be severed will access Tamarack Road and the retained lands access Brooke Valley Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	6.48-ha 290 m 235.69 m Municipal Road	23.5-ha 527.3 m 636 m Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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 6 General development Policies, section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

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

Conservation Authority – Rideau Valley Conservation Authority – May 25, 2010

The Rideau Valley Conservation Authority has completed a review of the above noted application to sever a 6.48 ha parcel from an existing 29.98 ha parcel. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

For the applicant's information 2 watercourses have been identified on the retained lands. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

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

The Conservation Authority recommends a minimum 30 metre development setback from watercourses; The severed parcel is large enough in size that it could accommodate a building envelope well outside the 30 metre setback from the watercourse which runs along the hydro easement.

A nearby property owner had acquired permission in 2006 to alter the wetland and watercourse on their property to create habitat for waterfowl and other aquatic and terrestrial species. It is difficult to determine if the watercourses and wetlands on the retained parcel and adjacent lot are directly connected to the property on the north site of Old Brooke Road (Lot 2 and 3, con 6). It is important that the local water flow regimes are not altered so that the water levels are maintained as the landowner on (Lot 2 and 3, Con 6) has made a significant investment to improve local wetlands and habitat.

Conclusion

In conclusion the Conservation Authority has no objection or conditions to this Severance application. Please forward notice of the Committee's decision on this application to the office of the Rides Valley Conservation Authority at the address noted below.

On-Site Services (Septics) – Mississippi-Rideau Septic Office – May 28, 2010

A site visit was conducted at the above mentioned property by our office on May 21, 2010, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever a 6.48 hectare parcel, with road frontage of 290 m by 235.69 m deep. The proposed lot is currently vacant with areas of mixed forest, red pine stands, exposed bedrock and a stream at the south eastern portion of the proposed lot. The retained parcel is rectangular in dimensions and approximately 23.5 hectares in area. There is a dwelling, several out buildings and a pond on the retained parcel. A new septic system was installed in 2005, permit number 04V029.

The proposed severed parcel is of large enough size and appropriate topography to support a Class 4 septic system meeting all requirements of the OBC. The severance will not interfere with the existing septic system on the retained portion or limit the ability to replace the system in the future. Given the above information, our office has no objections to the severance as proposed.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever a 6.48-ha residential building lot and retain a 23.5-ha landholding with an existing dwelling. Two previous severances have been taken from the original parcel of land since January 1986.

The subject lands are located in an area characterized by Residential on large landholding along Tamarack Road. A commercial establishment (Family Pastimes Games Factory) is located to the west of the lot.

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

Soils Inventory – Name: Monteagle

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

A portion of the retained lands are classified as mineral resource. MMND reviewed the previous severances and advised that they had no objections to the property be severed.

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 Tay Valley Township and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES – July 19, 2010

Christa McCulloch, owner, attended the hearing and gave evidence under oath.

Ms. McCulloch advised that they are aware of the small watercourse along the Hydro Easement which prevents any development in that location as noted by the Conservation Authority.

The chair reviewed the staff report and draft conditions. No further comments were 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:

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 applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.

4. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
6. 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).
7. A letter shall be received from Tay Valley Township stating that condition #2 through #6 has been fulfilled to their satisfaction.

NOTES

1. *For the applicant's information 2 watercourses have been identified on the retained lands. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:
 - Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
2. *The Conservation Authority recommends a minimum 30 metre development setback from watercourses; The severed parcel is large enough in size that it could accommodate a building envelope well outside the 30 metre setback from the watercourse which runs along the hydro easement.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Brian & Zita Donaldson

Hearing Date: July 19, 2010

Agent:

LDC File #: B10/076, B10/077 and B10/078

Municipality: Township of Drummond / North Elmsley

Geographic Township: Drummond

Lot: 1 & 2 **Concession:** 6

Roll No. 0919 919 030 00500

Consent Type: 3 new lots

Purpose and Effect:

B10/076 – To sever a 22.4-ha residential building lot;

B10/077 - To sever a 7.5-ha residential building lot;

B10/078 - To sever a 3.7-ha residential building lot, and to retain a 6.1-ha landholding with an existing dwelling and outbuildings. The lands are accessed via Barrie's Side Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	<u>B10/076</u>	<u>B10/077</u>	<u>B10/078</u>	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	22.4-ha 426.7 m Irregular Municipal	7.5-ha 213.5 m Irregular Municipal	3.7-ha 388.6 m Irregular Municipal	6.1-ha 247.5 m Irregular Municipal
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural and Wetlands Yes			
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes			Rural 0.4-ha Yes 45 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.19 Lands adjacent to a wetland, Section 4.3 Rural Policies, Section 4.6 Wetland Policies, Section 5.3 Township 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 General Provisions, Section 7 Rural Zone, Section 24 Wetland Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

BACKGROUND: The subject property is currently designated as Rural, Wetland and Lands Adjacent to Wetland in the Township's Official Plan, and is currently zoned Rural (RU) and Wetland (W) and Lands Adjacent to Wetland zone. Both the Official Plan and Zoning By-law permit the proposed residential lots, as there would be sufficient building area outside of the Wetland and Adjacent Lands on each lot.

DISCUSSION: There have not been any severances historically on this parcel of land. The Minimum Distance Separation (MOS) calculation was done by staff for the farm

across the road, and there is adequate room on the affected lots to meet the required separation distance. The proposed severances conform with the Township's Official Plan and Zoning By-Law.

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

- The balance of any outstanding taxes and fees owing shall be paid In 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 lots shall be obtained. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
- That any development on the lot created by Severance B10/076 shall comply with the Minimum Distance Separation (MDS) criteria from adjacent agricultural operations.

Conservation Authority – Rideau Valley Conservation Authority – May 25, 2010

B10/076

The Rideau Valley Conservation Authority has completed a review of the above noted application to sever a 22.4 ha parcel (Lot I) from an existing 39.76 ha parcel. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

For the applicant's information the Blueberry Marsh Provincially Significant Wetland PSW has been identified on the south eastern corner of the property. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.
- Any development within the 120 metre adjacent lands to the PSW and within the PSW requires the written approval of the Conservation Authority.
Development is defined as the construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

With this particular application the PSW is located all within the severed lot (Lot #1) therefore fragmentation of the PSW is not expected to occur. Due to the large size of the severed lot there is a sufficient building envelope outside of the PSW and the 120 metre

adjacent lands. Therefore any development on the property should be directed outside of the PSW and the 120 metre adjacent lands, Should any development be proposed within the 120 metre adjacent lands of the PSW, an Environmental Impact Study will likely be required as part of any Ontario Regulation 174/06 application.

Conclusion

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

B10/077

The Rideau Valley Conservation Authority has completed a review of the above noted application to sever a 7.5 ha parcel (Lot #2) from an existing 17.3 ha parcel. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

For the applicant's information a small portion (south east corner) of the severed parcel has been identified as being within the 120 metre adjacent lands to the Blueberry Marsh Provincially Significant Wetland (PSW). The Rideau Valley Conservation Authority administers Ontario Regulation 114/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

- Any development within the 120 metre adjacent lands to the PSW and within the PSW requires the written approval of the Conservation Authority, Development is defined as the construction, reconstruction, erection or placing of a building or structure of any kind, site grading. or the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

Due to the large size of the severed lot there is a sufficient building envelope outside of the 120 metre adjacent lands to the PSW. Therefore any development on the property should be directed outside of the 120 metre adjacent lands. Should any development be proposed within the 120 metre adjacent lands of the PSW, an Environmental Impact Study will likely be required as part of any Ontario Regulation 174/06 application.

Conclusion

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

B10/078

The Rideau Valley Conservation Authority has completed a review of the above noted application to sever a 3.7 ha parcel (Lot #3) from an existing 9.8 ha parcel. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

There have been no natural heritage or natural hazards identified on this property that would preclude this application.

Conclusion

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

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

B10/076 – A 22.4 hectare parcel of land which is a large gently sloping agricultural field. No existing buildings. Recommendation – additional sandy loam fill may be required in area of future tile bed.

B10/077 – A 7.5 hectare lot. Land is vacant agricultural field with a gentle slope.

Recommendation – additional sandy loam fill may be required in area of future tile bed.

B10/078 – A 3.7 hectare parcel. Land is vacant. Land is primarily pine tree forest.

Recommendation – additional sandy loam fill may be required in the area of future tile bed.

Retained Lands – A 6.1 hectare parcel of land with an existing house serviced by a well and septic system. Recommendation – additional sandy loam fill may be required in area of future replacement tile bed area.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever three residential building lots and retain a residential lot with an existing residential dwelling.

The subject lands are located in an area characterized by Residential and large landholdings. A farming operation is located to the west and the Blueberry Marsh PSW is located to the South and into the proposed lot B10/076. The building envelope will be required to be outside the Wetland Area and the 120 m influence area. Due to the size of the lot, this is obtainable.

The lands are accessed via Barrie's Side Road, a municipally maintained road.

A Minimum Distance Separation Calculation was undertaken for the agricultural buildings located to the west of the lands to be severed. The calculation requires a minimum separation of 231 m from the livestock facility. The MDS may affect the location of the building envelope for B10/076. If approved, the deeds to all the lots should recognize the adjacent farming operation.

Soils Inventory – Mixture – two strips - along Municipal Road and through the centre of the landholding.

- Name: Tennyson	North Gower
- Stoniness: slightly stony	non-stony
- CLI: 3 moderately severe	2 – moderate limitations
- Drainage: well drained	poorly drained
- Hydrogeology: moderate	high runoff

The rear of the lands and southerly portion are Muck.

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

(d) PUBLIC INPUT

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:

Sandi Coulson and Edmond Larose – June 22, 2010

I am writing in connection to the above noted proposed severances of these parcels of land two of which are located directly across from our home at 1081 Barrie's Side Road, Perth, Ontario.

We had a meeting on June 11th, 2010 with Ms Mary Kirkham, the Planning Approvals Administrator to discuss these potential severances, At that time, Ms. Kirkham assured us that there would be no more than one home built on each of these parcels of land. Our concern is that the atmosphere of our area will drastically change should this not be enforced.

While we understand that owners have a right to sell their land, we were assured by the Donaldson's that this would not happen and so are surprised by the initiation of this at all.

We moved to Lanark County, Drummond North Elmsley almost three years ago as our primary residence and our retirement home. We currently commute from Perth to Ottawa daily for work. We purposely selected this piece of land and this home because of the solitude and quietness of the area. We also purposely chose to live with farmland all around us; all of the fields surrounding our residence are currently being actively farmed by local farmers. We expressed our deep concern about maintaining the integrity of Blueberry Marsh to Ms. Kirkham. — we are worried about the natural setting and wildlife which is plentiful in there.

We have embraced this lifestyle and support our new hometown and community wholeheartedly in every way. We are concerned that the atmosphere at and around our home will change dramatically. There has been quite a bit of development recently on Barrie's Side Road as it is and we are concerned what the result of further construction may be.

May we respectfully confirm 'with this Committee that indeed the information we received from Ms. Kirkham is correct and that no further building will be approved by your Committee other than one home on each piece of land to potentially be severed?

We love the heritage status of Perth and the people and surroundings where we have moved to and have chosen to spend our "golden years".

Thank you for any consideration and information you may provide us. Please do notify us of upcoming meetings about this subject... we certainly want to be there.

(e) **MINUTES – July 19, 2010**

Brian and Zita Donaldson, owners and Sandi Coulson and Edmond Larose, adjacent landowners, attended the hearing and gave evidence by affirmation.

Ms. Coulson questioned where the division line would be between B10/076 and B10/077 and was provided with a copy of the application sketch.

Ms. Coulson asked how many dwellings would be permitted on each lot. The chair advised that the Township's Zoning By-law only permits one dwelling per lot.

The chair reviewed the staff report and draft conditions. No further comments were 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:

B10/076

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
3. The 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.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lots 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.

6. 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.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the proposed septic system area and the future replacement tile bed area on the retained lands..*
3. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. The Township of Drummond / North Elmsley will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
4. *The Rideau Valley Conservation Authority advises that the Blueberry Marsh Provincially Significant Wetland PSW has been identified on the south eastern corner of the property. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*
 - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
 - *Any development within the 120 metre adjacent lands to the PSW and within the PSW requires the written approval of the Conservation Authority. Development is defined as the construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.*

B10/077

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".

3. The 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.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lots 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.
6. 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.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the proposed septic system area and the replacement tile bed area on the retained lands.*
3. *For the applicant's information a small portion (south east corner) of the severed parcel has been identified as being within the 120 metre adjacent lands to the Blueberry Marsh Provincially Significant Wetland (PSW). The Rideau Valley Conservation Authority administers Ontario Regulation 114/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*
 - *Any development within the 120 metre adjacent lands to the PSW and within the PSW requires the written approval of the Conservation Authority, Development is defined as the construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.*

B10/078

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

2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
3. The 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.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lots 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.
6. 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.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the proposed septic system area and the replacement tile bed area on the retained lands.*
3. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Bill and Karen Millward

Hearing Date: July 19, 2010

Agent: Evelyn Goodfellow

LDC File #: B10/079

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 15 **Concession:** 8

Roll No. 0911 911 015 06605

Consent Type: Lot Addition

Purpose and Effect:

To sever a 0.3-ha vacant parcel of land as a lot addition to lands owned by St. Bridget's Cemetery for cemetery purposes and to retain a 1.57-ha residential lot with an existing dwelling and outbuildings. Access to the severed lands will be through the existing cemetery with alternate / emergency access to Stanleyville Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Cemetery Purposes	Residential Residential
Area Frontage Depth Road - Access to	0.3-ha 9 m 100 m Municipal Road	1.57-ha 166 m Irregular Municipal Road
Water Supply Sewage Disposal	None None	Private Well Septic System
Official Plan Designation -Conformity?	Settlement Area Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural Not applicable – lot addition	Hamlet and Rural 1.0-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

Official Plan – Section 2 General development Policies, section 3.7 Hamlet Policies, Section, Section 4.4 Township Roads, Section 5.2 Division of Land

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

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

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

(b) AGENCY REVIEW

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

Tay Valley Planner's Comments

Section 2.10 of the Official Plan provides that public and institutional uses are permitted in all land use designations subject to certain conditions.

(Such use is necessary in the area, that it can be made compatible with its surroundings, and that adequate measures are taken to ensure land use compatibility).

Section 10 of the Zoning By-law – rural designation permits existing cemetery use. The existing residential zoning of the cemetery is a non-forming use and can be resolved when a general amendment to the Zoning By-law schedules is undertaken.

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.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.3-ha vacant parcel of land as a lot addition to lands owned by St. Bridget's Cemetery and retain a 1.5-ha residential lot with an existing residential dwelling.

The subject lands are located in an area characterized by Residential within the settlement area locally known as "Stanleyville".

The severed lands are accessed through the existing cemetery to Stanley Road, an alternate / emergency access will be provided to Stanleyville Road. The retained lands have access via Stanley Road.

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 Tay Valley Township and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) **MINUTES – July 19, 2010**

Evelyn Goodfellow, applicant and agent, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions. No further comments were 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:

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 applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
4. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
6. A letter shall be received from Tay Valley Township stating that condition #2 through #5 has been fulfilled to their satisfaction.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by "The Roman Catholic Church" (St. Bridget's Cemetery) described as Pt Lot 16 Conc. 8, geographic Township of North Burgess, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Josh Foster

Hearing Date: July 19, 2010

Agent: Bob MacFarlane

LDC File #: B10/085

Municipality: Township of Montague

Geographic Township: Montague

Lot: 19 **Concession:** 6

Roll No. 0901 000 025 00706

Consent Type:

Purpose and Effect:

To sever a 309.35 sq.m. parcel of land as a lot addition to lands owned by Bob and Sara MacFarlane at Pt Lot 20 Conc. 6, Montague. The lands are accessed via Rosedale Road North.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Residential Residential
Area Frontage Depth Road - Access to	309.35 sq.m. 27.432 m 11.277 m Municipal Road	2.01-ha 202.716 m 99.328 m Municipal Road
Water Supply Sewage Disposal	None None	Private Well Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 46 m Yes	Rural 0.4-ha Yes 46 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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:

- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That a copy of the reference plan to be provided to the Township of Montague.

(c) PLANNING REVIEW

The applicant proposes to sever a 309 sq.m. parcel of land as a lot addition to lands owned by Bob and Sara MacFarlane and to retain a 2.0-ha residential lot with an existing dwelling. The MacFarlane severed their lands (B10/014 and B10/015) and it was discovered through the survey, that the retained lands would only have 18 m of road frontage. In order to comply with the Township's minimum requirement of 45 m, the MacFarlane's entered into an agreement with the adjacent landowner, Foster, to obtain sufficient lands to increase their frontage.

The subject lands are located in an area characterized by Residential on a variety of lot sizes along Rosedale Road North. The CP Rail Line is located to the north of the lot. Two ANSI's are located within the area – North Montague Swamp to the east and Numogate Mud Lake Fen to the North West. These areas are also designated wetlands, Pinery Road Wetland and South Mud Lake Wetland respectively.

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

Soils Inventory – Name: Farmington (shallow sols)

- 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 – July 19, 2010

Sara and Bob MacFarlane, agents, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions. No further comments were 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:

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 the Township.
3. The applicant shall provide the Township with a copy of all reference plans associated with this application.
4. A letter shall be received from the Township of Montague stating that condition #2 and #3 has been fulfilled to their satisfaction.
5. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Robert and Sara MacFarlane described as Part Lot 20 Conc. 6, Township of Montague, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES

1. *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.*
2. *The RVCA also advises that any new development should be placed 30 metres back from the edge of the watercourse to protect water quality.*