



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, June 21, 2010 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and D. Murphy

Member Absent: C. Tyson

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-2010-022

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

"THAT, the minutes of the Land Division Committee meeting held on May 17, 2010 be approved as circulated." **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2010-023

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

"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 B09/127 & B09/128 – Steve Folkard – Two New Lots

Pt Lot 1 Conc. 9, geographic Township of Darling, now in the Township of Lanark Highlands. (Tatlock Road and Darling 10th Conc.)

7.1.2 B09/142 – Rae and Marie Scott – New Lot

Pt Lot 24 Conc. 3, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Pakenham Con. 4).

7.1.3 B10/022 & B10/023 – Roger Watson and Patricia Kleiboer – Two New Lots

Pt Lot 22 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley (Drummond Conc. 12C).

7.1.4 B10/027 – Patricia Stewart – Lot Addition

Pt Lot 3 Conc. 8, geographic Township of Ramsay, now in the Town of Mississippi Mills. (County Road 29).

7.1.5 B10/028 & B10/029 – 2083710 Ontario Inc. – Two New Lots

Pt Lot 16 & 17 Conc. 6, geographic Township of Drummond, now in the Township of Drummond / North Elmsley (Drummond Con. 7)

7.1.6 B10/030 – Neil Stewart – Lot Addition

Pt Lot 25 Conc. 11, geographic Township of Darling, now in the Township of Lanark Highlands. (Ellis Woods Road).

7.1.7 B10/031 – Peter and Cheryl Dermann – New Lot

Pt Lot 16 Conc. 9, geographic Township of North Burgess, now in Tay Valley Township. (County Road #10).

7.1.8 B10/032, B10/033 and B10/034 – Brian Miller and Sandy McGregor – Three new lots.

Pt Lot 16 Conc. 7, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Miller Road).

7.1.9 B10/035 – Ronald and Margaret Moore – New Lot

Pt Lot 15 Conc. 8, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (County Road 43).

7.1.10 B10/036 – Alan Miller – New Lot

Pt Lot 24 Conc. 11, geographic Township of Pakenham, now in the Town of Mississippi Mills. (12 Conc. N Pakenham).

7.1.11 B10/038 – Art Elliott – New Lot

Pt Lot 9 Conc. 6, geographic Township of Drummond, now in the Township of Drummond/ North Elmsley. (Drummond Conc. 7).

7.1.12 B10/039 – Peter Ghinn – New Lot

Pt Lot 26 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Wildlife Road).

7.1.13 B10/043 – Patrick Dolan – Lot Addition

Pt Lot 26 Conc. 4, Township of Montague. (Harper Condie Road).

7.1.14 B10/050 – Bradley Hollywood – Lot Addition

Pt Lot 9 Conc. 7, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (North Road).

7.1.15 B10/060, B10/061 & B10/062 – Marilyn Robinson - Three New Lots

Pt Lot 1 and 2 Conc. 9, geographic Township of North Burgess, now in Tay Valley Township. (North Burgess Con. 8)

7.1.16 B10/063 – Carolyn Jeff – New Lot

Pt Lot 12 Conc. 1, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Conc. 1).

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 B09/133 – Andrew Thompson – relocation of R-O-W

Pt Lot 7 Conc. 2, geographic Township of South Sherbrooke, now in Tay Valley Township. (Farren Lake Lane 31).

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

- 9.1 Standards Consent Conditions** – Rural Addressing Project.
M. Kirkham updated the committee on the RAP Project and provided draft samples for conditions requiring Civic Addresses to be assigned during the consent process. Further details to follow.
- 9.2 OACA Conference** - D Murphy provided an overview of the conference and workshops.

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 B09/127 & B09/128 – Steve Folkard – Two New Lots

10.1.2 B09/142 – Rae and Marie Scott – New Lot

10.1.3 B10/022 & B10/023 – Roger Watson and Patricia Kleiber – Two New Lots

10.1.4 B10/027 – Patricia Stewart – New Addition

10.1.5 B10/028 & B10/029 – 2083710 Ontario Inc. – Two New Lots

10.1.6 B10/030 – Neil Stewart – Lot Addition

10.1.7 B10/031 – Peter and Cheryl Dermann – New Lot

10.1.8 B10/032, B10/033 and B10/034 – Brian Miller and Sandy McGregor – Three new lots.

10.1.9 B10/035 – Ronald and Margaret Moore – New Lot

The Hearing recessed at 11:48 a.m.

The Hearing reconvened at 1:30 p.m.

10.1.10 B10/036 – Alan Miller – New Lot

10.1.11 B10/038 – Art Elliott – New Lot

10.1.12 B10/039 – Peter Ghinn – New Lot

10.1.13 B10/043 – Patrick Dolan – Lot Addition

10.1.14 B10/050 – Bradley Hollywood – Lot Addition

10.1.15 B10/060, B10/061 & B10/062 – Marilyn Robinson - Three New Lots

10.1.16 B10/063 – Carolyn Jeff – New Lot

10.1.17 B09/133 – Andrew Thompson – relocation of R-O-W

11. UPCOMING MEETINGS

Monday, July 19, 2010 @9:00 a.m.,
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 – 2:40 p.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Steve Folkard

Hearing Date: June 21, 2010

Agent: William J. Webster

LDC File #: B09/127 and B09/128

Municipality: Township of Lanark Highlands

Geographic Township: Darling

Lot: 1

Concession: 9

Roll No. 0940 944 015 27900

Consent Type: two (2) new lots

Purpose and Effect:

B09/127 – To sever a 1.0-ha residential lot with an existing dwelling - access via Tatlock Road:

B09/128 – To sever a 1.78-ha residential building lot - access via Darling Conc. 10; and to retain a 46.0-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
Existing Use Proposed Use	<u>B09/127</u> Residential Residential	<u>B09/128</u> Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	1.0-ha 100 m 100 m County Road	1.78-ha 139.5 m 127.9 m Municipal Rd	46 ha 668.5 m 472 m County & Municipal Roads
Water Supply Sewage Disposal	Private Well Septic System	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural, Organic Soils & Deer Yard Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes		Rural & Rural Industrial 1.0-ha 2.0-ha Yes Yes 60 m 100 m 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.

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.

Official Plan – Section 3 Growth and Settlement, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 4.5.3 Township Roads, Section 7.5 Natural Heritage Features (Deer Yards), 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, Section 14.0 Rural Industrial Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

1.0 Review of Proposal and Application

Applications have been received from the County of Lanark Land Division Committee for the creation of two new lots from a holding with frontage on both the Tatlock Road and the 10th Concession. The holding is legally described as Part Lot 1, Concession 9, former Township of Darling, now in the Township of Lanark Highlands.

The application proposes to create two lots from the applicant's holdings. Proposed lot 1 will have approximately 100 metres of frontage, a depth of 100 metres and an area of 1.0 ha and a second proposed lot with frontage of 121 metres, a depth of 121 metres and an area of 1.46 ha. The applicant intends to construct an additional residence on the retained parcel. The retained lands are approximately 46 ha in area and are vacant at present. Proposed lot #1 currently has the applicant's residence constructed on site, no new development is proposed by means of this application. Although no specific construction plans are in place the applicant does intend that the retained lands will also be used for residential purposes in the future.

Subject lands

The property is designated Rural, Deer Yard and Organic Soils on Schedule 'A 3' of the Township of Lanark Highlands Official Plan. The lands are zoned Rural, Organic Soils and Deer Yard on Schedule 'A 3' of Zoning By-law 2003-451. Surrounding lands are rural. A watercourse transects the holding through the proposed retained lands.

1.1 PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such an assessment 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.

Services

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. Both the proposed severed and the retained parcels appear to be of sufficient size to accommodate private services. Prior to any building permits being issued the applicant will be required to obtain a permit from the Health Unit to confirm same.

Transportation

Section 1.6.5 Transportation Systems and Section 1.6.6 Transportation and Infrastructure Corridors of the Provincial Policy Statement outline the priority that the province puts on the maintenance and efficiency of transportation systems and corridors. This proposal will not require any expansions to current infrastructure systems.

Natural Heritage

Section 2.1 of the Provincial Policy directs planning authorities to consider impact to ecosystems and habitat of endangered species. The subject lands are within the Tatlock Deer Yard. The applicant has undertaken an

Environmental Impact Assessment (EIS) to determine if the proposal for two additional lots will adversely impact the primary wintering area for deer within the township. Mr. Hans von Rosen of Pinegrove Biotechnical produced an Environmental Assessment Report dated May 12, 2009 and concludes that the proposal "will not cause undue negative footprints upon the landscape or result in significant negative impact to natural heritage values" and that "approval of the severances appears reasonable.

As such the proposal meets the tests of the Provincial Policy and can be considered consistent with same.

1.2 OFFICIAL PLAN

The Folkard lands are designated Rural, Organic Soils and Deer Yard on Schedule 'A 3' of the Township of Lanark Highlands Official Plan. Rural development concepts outlined within the Official Plan discuss a settlement pattern of very low density consisting of residences distributed along existing road networks. The intent of the Official Plan is to protect the rural setting and natural resources for their economic value.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features. Section 8.2 of the Official Plan outlines policies associated with lands that have been identified as having organic soils as is the case with this development proposal. Organic soils are considered a constraint to development as they may not contain sufficient strength to support structures. Building Code requirements must also be considered prior to the issuance of any building permit. The applicant will need to demonstrate that the lands can support any future building proposal prior to the issuance of a building permit.

Section 7.5.2 Natural Heritage Policies protects significant habitat and natural heritage from adverse impacts and site alteration. The applicant's consultant has submitted an Environmental Impact Statement which supports the proposed severances and future development of an additional residence on the lands.

The application and the supporting studies demonstrate general compliance with Official Plan directives.

1.3 ZONING

The lands are zoned Rural, Organic and Deer Yard on Schedule 'A 3' of Zoning By-law 2003-451. The proposed severed and retained lots will meet the requirements of the rural zone. There are no specific zoning provisions for the Organic Soils zone although the development proposal will be reviewed under the requirements of the Building Code.

Section 4.22 of Zoning By-law 2003-451 does not permit development within 50 metres of any identified wildlife habitat except where an EIS allows it. As previously stated the applicant's consultant does not believe there will be any adverse impact by means of this application to the Deer Yard. No other significant habitat or wildlife was discovered as part of the Environmental Investigation.

The application can meet the requirements of the zoning by-law and other than building permit does not require any further approvals.

1.4 DISCUSSION

The application as submitted is consistent with the PPS, complies with directives of the Official Plan and meets the requirements of the zoning By-law. In addition the applicant has provided an EIS in support of the proposal. The application can be supported and 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 of Surveyor's Certificate demonstrating that the lands severed 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 submit to the Township the 5% cash-in-lieu of parkland requirement.
5. That the applicant pay any outstanding fees to the Township prior to final approval.
6. That the applicant provide any required road widening to the Township at no cost to the Township.

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.

It is our understanding that the purpose of the subject applications is to sever two vacant building lots –1.0 ha lot under B10/127 and 1.78 ha under B10/128. The proposed retained land is a vacant 46-ha landholding.

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. Organic Soils have also been identified on the subject lands.

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 severances 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 B09/127 – 2.5 acres bushlot sloping towards the north to a low area behind an existing residence serviced by a well and older septic system. Sewage system to be upgraded this year according to owner. Permit to be applied for. Recommendations – 4 to 5 feet of imported leaching bed fill will be required to upgrade older septic system servicing the house.

B09/128 – 4+ acres of bushland with variable depths and types of soil and some areas of exposed rock. Lot slopes gently towards a lower, seasoned wet area towards the centre. Recommendation – amount of fill required to construct a sewage system will be subject to its exact location. Development should occur in the higher, well drained portions of the lot. Retained Lands – 113 areas of mixed woodland. Variable slopes, drainage and soil conditions. Fill requirements subject to the exact location of sewage system.

Hydro One Networks – No comments were received.

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

County of Lanark Public Works

Applicant has an approved entrance location to the County Road #2260.

Entrance to be installed prior to deed endorsement.

The land proposed to be severed by B09/127 has an approved location for residential access. A full entrance application must be submitted and entrance installed prior to deed endorsement.

Land proposed to be severed by B09/128 and the retained lands to gain access from 10th Concession Darling, local municipal road.

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 metres from the existing property line.

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) new residential building lots (1.0-ha and 1.78-ha) and retain a 46.0-ha vacant landholding. Previous severance activity: 1974, 1979, 1980 and 1989 all of which pre-date the Official Plan Consent Date of March 2003.

The subject lands are located in an area characterized by Residential and Vacant Residential on a variety of lot sizes along Tatlock Road and Darling Con 10. A Rural Industrial Zone is shown on the Lanark Highlands Zoning Schedule, however the only activity noted on the lands are numerous derelict vehicles and other metal debris on several locations on the retained lands which would fall under the Waste Management Facility Zone.

The lands to be severed by B09/127 is accessed via Tatlock Road, a county maintained road and the lands to be severed by B09/128 is accessed via 10th Con Darling, a municipally maintained road.

Soils Inventory – Name: Tweed

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

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

The EIS conducted by Pinegrove Bio-technical observed that the Soils Maps, Zoning Map, Wetland Maps and Ontario Base Maps does not provide accurate details of the organic soils area, and recommends that the no development should occur in the lowland portion of parcel B09/128.

The entire lands are within the locally known “Tatlock Deer Yard”. An Environmental Impact Statement was undertaken by Pinegrove Biotechnical May 2009. The report provides the following consideration:

“Severing parcel “A” (B09/127) and parcel “B” (B09/128) would generate an almost isolated corner-parcel, in the retained portion at the intersection between the county road and the township road. This corner lot would be entirely non-developable, being composed of lowland forest over organic soil. Enlarging the acreage of parcel “B” by moving the easterly boundary to include the potentially isolated corner might be considered.

The result would be a clearer form of land development, in an already existing rural hamlet, without causing any additional negative impacts upon Natural heritage Values or service needs.”

Conclusion

“From a Natural Heritage perspective no objections are apparent to the severance of either parcel, with the proviso that the future residence for Parcel “B” will be situated in the north-west corner of the newly severed lot.

And to revisit the potential lot size, in order to forestall the possible creation of a non-developable and almost totally isolated parcel in the retain corners, is considered optional.”

In consideration of the above please refer to sketch "A" and "B" as possible reconfiguration for lots.

The lands to be severed by application B09/128 are within 300 m of a Primary Water Source (Indian River) 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 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 – June 21, 2010

William Webster, agent, attended the hearing and gave evidence under oath.

Mr. Webster confirmed that the distance between B09/127 and the corner between Tatlock Road and Darling Conc. 10 was 305 m (1000 ft) and not located at north of Lanark Conc. 10D as indicated in the EIS prepared by Pinegrove Biotechnical.

This being the case, the committee agreed that there would be no benefit to increasing the size of either B09/127 or B09/128.

(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:

B09/127

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 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. 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).
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of June 8, 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. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County (Entrance Location Permit No. 2260).
10. 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 widening required. The County of Lanark requires the applicant deed to, "The Corporation of the County of Lanark", the required lands.
11. A letter shall be received from Mississippi Valley Conservation stating that condition #9 has been fulfilled to their satisfaction.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 and #10 has been fulfilled to their satisfaction.
13. A letter shall be received from the Township of Lanark Highlands stating that condition #2 to #8 has been fulfilled to their satisfaction.

NOTES:

- 1/ *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.*
- 2/ *Future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*

- 3/ *Landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
- 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/ *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill will be required to upgrade the older septic system servicing the dwelling.*
- 6/ *The County of Lanark advises that access to the retained lands will be required to be obtained from the local municipal road (10th Conc. Darling).*

B09/128

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 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. 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).
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of June 8, 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. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
10. A letter shall be received from Mississippi Valley Conservation stating that condition #8 has been fulfilled to their satisfaction.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #2 to #9 has been fulfilled to their satisfaction.

NOTES:

1. *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.*
2. *Future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
3. *Landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
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. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill will be required in the septic system area.*
6. *The County of Lanark advises that access to the retained lands will be required to be obtained from the local municipal road (10th Conc. Darling).*
7. *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 CBO shall review the EIS prepared by Pinegrove Biotechnical dated 12 May 2010 prior to the issuance of any building permit.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Rae and Marie Scott

Hearing Date: June 21, 2010

Agent:

LDC File #: B09/142

Municipality: Town of Mississippi Mills

Geographic Township: Pakenham

Lot: 24 **Concession:** 3

Roll No. 0931 946 020 07300

Consent Type: New Lot

Purpose and Effect:

To sever a 1.0-ha residential building lot and retain a 77.7-ha vacant landholding. The lands are accessed via Pakenham 4th Con.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Vacant
Area Frontage Depth Road - Access to	1.0-ha 109.4 m 91.4 m Municipal Road	77.7-ha 1,232 m 512 m Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	None None
Official Plan Designation -Conformity?	Rural and Provincially Significant Wetland Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance? -Depth Required (min.) -Compliance?	Rural & Environmental Protection 1.0-ha Yes 45 m Yes n/a	Rural & Environmental Protection 10.0-ha Yes 150 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 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 Basis of Plan, Section 2.1.2 Environmental and Natural Heritage Features, Section 3.3 Rural Policies, Section 4 General Policies, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 General Provisions, Section 14.0 Rural residential, Section 30 Environmental Protection Zone.

The Town of Mississippi Mills advises that the proposal complies with the provisions of the 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:

**Town Planner's Report
Background**

Mr. and Mrs. Scott currently own approximately 77.99ha (192.27ac) of land with approximately 1341.4m (4400ft) of frontage onto Bellamy Road in Pakenham Ward, in the Town of Mississippi Mills. The property currently has a Community Official Plan designation of Rural and Provincially Significant Wetland and is classified as mixed Rural (RU) and Environmental Protection (EP) Zone in Zoning By-law 01-70. The applicant is proposing to sever one (1) new residential lot from the subject property, creating two lots.

Severance Application Summary

B09/142– Lot Severance

This application is to sever a .99ha (2.45ac) parcel of land from the existing property to create a new residential lot on Part Lot 24, Conc. 3, Pakenham Ward. The proposed lot will have 109.4m (358.9ft) of frontage on Bellamy Road. Access to the lot will be from Bellamy Road. The retained lands will have an approximate land area of 77ha (190.27ac), with a lot frontage of 1232m (4042ft) on Bellamy Road, Pakenham Ward (refer attached to sketch).

Community Official Plan Policies

The subject property has an Official Plan designation of Rural and Provincially Significant Wetland. Section 3.3.6-Severances and Lot Creation, permit severances for rural non-farm residential lots that are designated Rural, subject to the land holding permitting a maximum of two severances. A land holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an original township lot. The subject property is a parcel of land held in conveyable ownership as of July 1, 1973. Based on the rural policies in the Community Official Plan, the owner has the ability to acquire two severances on the property.

The Community Official Plan for the Town of Mississippi Mills sets out clear minimum lot area standards for land designated rural. Section 3.3.6.5 (iv), states that each lot must be .99ha (2.45ac) for both the severed and the retained lands. The proposed severance will create new lot with a lot area of .99ha (2.45 ac) and leave a retained lot of 77ha (190.27ac). The proposed lot meets the minimum lot area requirements outlined in the Community Official Plan

The subject property also has an Official Plan designation of Provincially Significant Wetland. Section 3.1.2.1.1.3 states, "Development within 120m of provincially significant wetlands or 50m of locally significant wetlands may take place in accordance with the land

use designation shown on land use Schedules to this Plan only when it has been demonstrated through an Environmental Impact Assessment that there shall be no negative effects on the natural features or ecological functions of these wetlands.” The term development in the Community

Official Plan is not limited to structures, but also includes lot creation. In this instance, a portion of the severed parcel of land would fall within the 120 m setback from the lands designated as Provincially Significant Wetland and an Environmental Impact Assessment would be required to ensure that there is no negative impact on the wetlands. Provided the Environmental Impact Assessment indicates that the proposed development/severance would not have a negative impact on the natural features or the ecological functions of the Provincially Significant Wetland, the proposed severance would be consistent with the severance policies of the Community Official Plan

Zoning By-law

The subject property is currently zoned Rural (RU) and Environmental Protection (EP). The Rural (RU) zone permits residential land uses. The by-law requires a minimum lot area of 0.4 ha (1.0 ac) and a minimum lot frontage of 45m (147ft). The minimum lot area in the zoning by-law differs from the Community Official Plan and as a result the minimum lot area requirement must be .99ha (2.45 ac). Therefore, the requirements of the lot must be a minimum .99ha (2.45ac) in lot area and a minimum lot frontage of 45m (147ft). The proposed severance would create a lot with a lot area of .99ha (2.45ac) and a lot frontage of 109.4m (358.9ft).

Section 6.34, Setbacks from Environmental Protection (EP) Zone, in Zoning By-law 01-70 requires that 6.34(a) “No building or structure shall be located closer than 120m (393 feet) from any area within the Environmental Protection (EP) zone” and Section 6.34(b) “No site alteration, including such activities as fill, grading and excavation, that would change the landform and natural vegetative characteristics of the site shall be permitted within 120 metres (393 feet) of any area within the Environmental Protection (EP) zone.

The zoning by-law currently requires a minimum 9m front yard setback for a residential lot that is zoned Rural (RU) Zone. With this in mind and the required 120m setback from the Provincially Significant Wetland, there would be approximately 45m or 135ft between the two setback requirements. The separation distance between the two required setbacks would provide enough room to accommodate the new dwelling and accessory buildings.

Conclusion

The proposed severance is consistent with the Community Official Plan. An Environmental Impact Study is required to determine development could occur without any significant impact on the Provincially Significant Wetlands. The proposed severance would be consistent with the Zoning by-law provided any development of the lands was to occur outside of the required 120m setback from the Environmental Protection Zone. The retained lot and the severed lot would have access to a municipally maintained road. With this in mind, staff’s recommendation regarding the proposed severance is to support the application subject to conditions.

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

1. That the applicant provide a copy of the registered reference plan to the Town;

2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property, and;
4. The applicant must acquire an entrance permit from Bellamy Road.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Parcel - 2+ acre parcel of rough scrubland. Ground surface is very uneven with shallow soil over bedrock. Surface drainage is fair to good. Recommendation – up to 5 feet of granular fill will be required to construct a sewage system on the severed parcel.
Retained Land – large parcel of mixed bush and wet areas. Variable slopes, drainage and soil conditions. Recommendation – fill requirements subject to the exact location of leaching bed.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.0-ha residential building lot and retain a 78-ha vacant landholding.

The subject lands are located in an area characterized by limited Rural Residential Development and large vacant landholdings along Bellamy Road and Pakenham 4th Conc.

The lands are accessed via Pakenham 4th Con., a municipally maintained road.

Soils Inventory – Name: Tweed
- Stoniness: slightly stony
- CLI: moderately severe limitations
- Drainage: well drained
- Hydrogeology: moderate

Retained lands also have a large area of Muck – CLI #7 soil.

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

The White Lake Wetland Complex covers a majority of the landholding. This complex is classified as “Provincially Significant”. Accordingly, no development is permitted within the defined area of the complex, and development within the influence area (120 m) is only permitted where an Environmental Impact Statement has been completed.

An environmental Impact Assessment was undertaken by David J. White in May 2010. The EIS concluded “*That the proposed building site occurs 85 m from the White Lake Wetland Complex. By leaving the mixed forest between the building site and the Provincially Significant Wetland to the southeast, there should be no negative impact on the wetland*”. If approved a note should be included to advise that the building envelopment should occur in accordance with the May 25, 2010 Environmental Impact Assessment.

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 Mississippi Mills and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – June 21, 2010**

Rae and Marie Scott, applicants, attended the hearing and gave evidence under oath.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
3. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant shall obtain an entrance location permit from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
6. A letter shall be received from the Town of Mississippi Mills stating that condition #2 to #5 has been fulfilled to their satisfaction.

NOTES:

- 1/ *The future building envelope should be positioned in accordance with the Environmental Impact Assessment conducted by David J. White and dated May 25, 2010. The mixed forest between the building site and the Provincially Significant Wetland to the southeast should be maintained.*

- 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 to construct a sewage system.*
- 4/ *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: Roger Watson
& Patricia Kleiboer

Hearing Date: June 21, 2010

Agent: N/A

LDC File #: B10/022 & B10/023

Municipality: Drummond/North Elmsley

Geographic Township: Drummond

Lot: 22 **Concession:** 12

Roll No. 0919 919 025 76403

Consent Type: New Lots

Purpose and Effect:

B10/022 To sever a 0.4-ha residential building lot.

B10/023 To sever a 0.54-ha lot with an existing dwelling and outbuildings and to retain a 3.76-ha vacant landholding. The lands are accessed via Drummond Conc. 12C.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B10/022	B10/023	
Existing Use Proposed Use	Vacant Residential	Residential Residential	Vacant Residential
Area Frontage Depth Road - Access to	0.4 ha 66 m 60 m Municipal Rd	0.54 ha 75 m 72 m Municipal Rd	3.76 ha 218 m 60 m Municipal Rd
Water Supply Sewage Disposal	Private well Private septic	Private well Private septic	Private well Private septic
Official Plan Designation -Conformity?	Rural and Aggregate Influence Area Yes		
Zoning Category	Rural		Rural
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	0.4-ha Yes 45 m Yes		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.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, 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, provided an Impact Report be prepared.

Zoning By-law - Section 4 General Provisions, Section 7 Rural Zone.

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

(b) AGENCY REVIEW

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

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

- The balance of any outstanding taxes shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The applicant shall demonstrate to the satisfaction of the Township of Drummond/North Elmsley, through the completion of an Impact Assessment, that the existing, adjacent pit operation will have no negative impacts on the proposed residential lots and that the proposed residential lots will have no impact on the existing, adjacent pit operation.
- Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and

marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

- That a residential entrance to the subject lot shall be obtained. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.

Conservation Authority – Mississippi Valley Conservation

Mississippi Valley Conservation has screened the subject applications out of our formal review process for the following reasons:

- Based on a review of available GIS mapping, the Stewart Lake-Haley Lake Wetland Complex is located in the vicinity of the subject property. However, we have determined the subject property is located beyond the 120 metre adjacent lands to this Provincially Significant Wetland. Therefore, negative impacts to this natural heritage feature as a result of the proposed severances are not anticipated.
- A preliminary review of the above noted application revealed no other natural heritage values or natural hazards requiring comments through Mississippi Valley Conservation's planning advisory program.

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

Severed B10/022 – 0.4 ha parcel is open with a higher area at the front. There is at least 2 feet of sandy soil at the surface of the ground. There is adequate space for a new home and raised septic system.

Severed B10/023 – 0.54 ha parcel contains a home, septic system and shed. No drainage issues were observed around home. Satisfactory

Retained – 3.76 ha is open and rolling with some exposed rocks. There appears to be at least 2 feet of sandy soil at the ground surface. There is adequate space for a new home and raised septic system.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two new residential lots (a 0.4-ha vacant building lot and a 0.54-ha lot with an existing dwelling) and retain a 3.76-ha residential building lot.

The subject lands are located in an area characterized by Residential on varying sizes of lots. The lands are located just east of a designated settlement area (Innisville).

A licensed aggregate pit is located to the north of the lands; however these lands are in the process of being redeveloped into a Residential Subdivision, which has received conditional draft approval. The landowner is also in the process of relinquishing the pit licence and rehabilitating the lands. This also requires an Official Plan Amendment to remove the aggregate designation. It is anticipated that the appeal period for the OPA will conclude shortly. However, if approved a condition should be included that requires the Official Plan Amendment be approved by the Ministry prior to final approval of these consent applications. Should the OPA not be approved, the applicant will be required to provide an Impact Report as required under Section 3.18 of the Official Plan.

The Stewart Lake – Haley Lake Wetland Complex is located approximately 270 m west of the lands.

The lands are accessed via Drummond Conc. 12 C, a municipally maintained road.

Soils Inventory – Name: Innisville

- Stoniness: slightly stony
- CLI: 2 – moderate limitations
- 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 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 – June 21, 2010

Roger Watson, applicant, attended the hearing and gave evidence under oath.

Mr. Watson advised that the area between the 'new road' and B10/023 was left as this would provide sufficient frontage for a 3rd severance in the future after the 'new road' was assumed by the Township. This possibility was discussed with the Township's planner.

Mr. Watson also advised that the water in the residence had been tested and that there was sufficient quantity and quality.

(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:

B10/022

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 referred to in Condition No. 1 above, shall not be endorsed prior to the approval of the Official Plan Amendment No. 4.
3. Should OPA#4 not be approved the applicant shall demonstrate to the satisfaction of the Township of Drummond/North Elmsley, through the completion of an Impact Assessment, that the existing, adjacent pit operation will have no negative impacts on the proposed residential lots and that the proposed residential lots will have no impact on the existing, adjacent pit operation.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
7. That a residential entrance to the subject lot shall be obtained. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #7 has been fulfilled to their satisfaction.

NOTES:

- *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*

B10/023

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 referred to in Condition No. 1 above, shall not be endorsed prior to the approval of the Official Plan Amendment No. 4.
3. Should OPA#4 not be approved the applicant shall demonstrate to the satisfaction of the Township of Drummond/North Elmsley, through the completion of an Impact Assessment, that the existing, adjacent pit operation will have no negative impacts on the proposed residential lots and that the proposed residential lots will have no impact on the existing, adjacent pit operation.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
7. That a residential entrance to the subject lot shall be obtained. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #7 has been fulfilled to their satisfaction

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Patricia A Stewart, Ronald W Stewart
& Kelly M Stewart

Hearing Date: June 21, 2010

Agent: Patricia Alice Stewart

LDC File #: B10/027

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay

Lot: 3 **Concession:** 8

Roll No. 0931 929 020 10100

Consent Type: New Lot

Purpose and Effect:

To sever a 0.445-ha residential lot with an existing dwelling and to retain a 39.2- ha landholding for agricultural purposes. The lands are accessed via County Road 29.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential and Farm Residential	Agriculture Agriculture
Area Frontage Depth Road - Access to	0.445-ha 106.4 m 42.1 m County Road	39.2-ha 429.6 m 636 m County Road
Water Supply Sewage Disposal	Private Well Septic System	None None
Official Plan Designation -Conformity?	Agriculture Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha (in Agriculture Policy Area) Yes 45 m Yes	Rural 10-.ha Yes 150 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.

2.3 Agriculture

Section 2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

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

c) a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

Official Plan – Section 2 Basis of Plan, Section 3.2 Agricultural Policies, Section 4 General Policies, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

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

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

The Town of Mississippi Mills advises that the proposal complies with the provisions of the 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:

Town Planner's Report **Background**

Patricia, Ronald and Kelly Stewart currently own approximately 39.7ha (98.1ac) of land located on 8th Concession, Ramsay Ward in the Town of Mississippi Mills. The subject property currently has a Community Official Plan designation of Agricultural and is zoned Rural (RU) Zone. The purpose of this severance application is to sever the old farm dwelling and outbuildings and consolidate the retained land to a previously severed lot owned by Patricia Stewart.

Severance Application Summary

Lot Severance (B10/027)

This application is to sever a surplus farm dwelling and outbuildings. The severed lot would total 0.45ha (1.1ac) of land and would have a proposed lot frontage of 106.4m (349.08ft). Access to the severed lot is currently from County Road 29 and the applicants have received permit approval for a Single Residential entrance from the Director of Public Works, Lanark County. The retained lands would have an approximate land area of

39.25ha (97ac), with a lot frontage of 429.6m (1409.45ft) on County Road 29. The applicants have also been granted approval for the existing residential entrance located at 6829 County Road 29, the subject property to which the retained lands would be consolidated. (Refer attached to sketch).

PROVINCIAL POLICY STATEMENT:

Section 2.3.4.1 of the Provincial Policy Statement discourages the creation of lots from agricultural land, except when the lots being created are appropriate for agricultural uses, limited to a minimum size to accommodate appropriate sewage and water services, residences surplus to a farming operation or where facility or corridor infrastructure cannot be accommodated through the use of easements or right of ways. This severance application would sever the existing residence and outbuildings from the farming operation. The retained lands would have an approximate lot area of 39.25ha (97ac) and would be consolidated with the Patricia Stewart farming operation.

Section 2.3.3.3 states that “new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formula”. The retained lands will be used for a tillable agricultural operation therefore the MDS calculation for the new lot does not apply.

Community Official Plan Policies

The subject property has an Official Plan designation of Agricultural. Section 3.2.7-Severances and Lot Creation, permits the creation of a lot, only if the farm dwelling was built prior to 1978 and is made surplus to a farming operation as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm. The official plan also states that only farmers expanding their farm holdings shall qualify for surplus farm dwelling severances. The COP defines a surplus dwelling as being a farm dwelling built prior to 1978 and is made surplus as a result of farm consolidation.

Traditionally, the surplus farm dwelling is for an agricultural parcel of land with one dwelling for the farmer that is deemed surplus to the farming operation, usually as a result of the farmer retiring. In this case, the farm dwelling will be made surplus to the agricultural operation by the consolidation of the remaining farm lands with the neighbouring farm operation owned by Patricia Stewart.

Simply put, the application is to change the residential dwelling that is associated with the agricultural lands. There will be no new lot created. Based on the intent of the policy and the definition of a surplus farm dwelling, this dwelling could be considered to be compliant.

When there is a farm consolidation, the Community Official Plan encourages the lots to be smaller to keep as much land in production as possible, but not smaller than 0.4ha (1ac). In this case the application is proposing a lot with a lot area of 0.45ha (1.1ac), which is consistent with the Community Official Plan.

This application is subject to the minimum distance separation requirements. The land surrounding the severed property is being used for crop production and as a result the MDS does not apply.

Zoning By-law

The subject property is currently zoned Rural (RU) zone and permits residential land uses that are either accessory to the agricultural use or a non-farm dwelling. The by-law requires a minimum lot area of 0.4 hectares (1.0 acres) and a minimum lot frontage of 45m (147.6ft). Application B10/027 proposes a non-farm residential lot with a lot area of 0.45ha (1.1ac) with a frontage of 106.4m (349.08ft). This application is consistent with the lot provisions outlined in the rural zone.

The zoning by-law also requires that the proposed lot must meet the minimum distance separation requirements. The agricultural use on the abutting property is crop based and therefore MDS conformity is not required.

It would appear that the proposed severance would maintain the intent and purpose of the zoning by-law.

Conclusion

The proposed severance is to change the residential parcel that is associated with the farm lands. As stated earlier, there is no new lot being created. With this in mind, the proposed severance is consistent with the Community Official Plan policy regarding severances and lot creation. Furthermore, the proposed lot area and lot frontage would be consistent with the Community Official Plan and zoning by-law. The proposed severance has access to a municipally owned and maintained street. With this in mind, staffs' recommendation regarding the proposed severance is to support the application subject to conditions.

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property;
4. That the owner shall register a covenant on title of the severed land stating that the lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities.”

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 0.445-ha lot with an existing dwelling and outbuildings, and retain a 39.26-ha vacant landholding as a lot addition to lands owned by the Stewarts. The lot-to-be enlarged is developed.

According to a review of available mapping, an unnamed tributary of the Mississippi River originates on the subject retained lands. The presence of this tributary was confirmed during a site visit conducted by MVC staff on June 4, 2010. In addition, a small pond was observed on the proposed retained lands. No other natural heritage features were identified.

The resulting lots meet with the current minimum area requirements set out in the Town of Mississippi Mills' Zoning By-law and both resulting lots are already developed with no new development proposed at this time. With all of this in consideration, MVC does not have any objection to the subject application provided that any potential future development complies with the zoning provisions; particularly with respect to the waterbody setback and the retention of a shoreline vegetated buffer.

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

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – 1.1 acre parcel of land with existing house, shop, garage and small garage on property. There is a drilled well and existing septic system. Future replacement area for septic system will be towards present garden area on east side of house.
Recommendation – additional sandy loam fill will be required in area of future replacement leaching bed area.
Retained lands – a 97 acre parcel of agricultural farm field. Open storage shed on property. Recommendation – additional sandy loam may be required in area of future leaching bed.

Hydro One Networks – No comments were received.

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

County of Lanark Public Works.

Applicant has an approved existing entrance to the County Road. Permit No. 2258.
Applicant has an approved existing entrance for the retained lands. Permit No. 2264.
Road Widening not required.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.445-ha residential lot with an existing dwelling and retain a 39.2-ha landholding.

The remaining lands (39.2-ha) is proposed to be consolidated with the residential dwelling location at 6829 County Road 29 and used for tillable agricultural operations. No MDS was undertaken as the dwelling is existing. It is however, recommended that a condition be included to notify any new owner that the lands are adjacent to an existing farming operation and may be subject to noise, odour, etc associated with the farming operation.

The subject lands are located in an area characterized by Residential and Farm on a variety of lot sizes along County Road 29. A Residential Subdivision is located to the south east.

The rail line is approximately 670 m to the west of the lands to be severed. It is recommended that a condition be included to notify any new owner that the lands are adjacent to an existing rail-line and therefore may be subject to noise, odours, etc associated with the operation and maintenance of the rail line.

No MDS was undertaken as the dwelling is existing. It is however, recommended that a condition be included to notify any new owner that the lands are adjacent to an existing farming operation and may be subject to noise, odour, etc associated with the farming operation.

The P H Duffy Road Quarry is located approximately 300 m to the south of the lot. If approved a notice should be included that the lands are in proximity of an active Quarry and therefore may be subject to noise, dust, odour etc from the operation of the quarry.

The lands are accessed via County Road 29, a county maintained road.

Soils Inventory – Name: Snedden

- Stoniness: non stony
- CLI: 1 – no significant limitations
- Drainage: imperfectly
- Hydrogeology: slow

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 Mississippi Mills and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES – June 21, 2010

Patricia Stewart and Kelly Stewart, applicants, attended the hearing and gave evidence under oath.

Ms. Stewart confirmed that the retained lands are to be added to the new residential dwelling located at 6829 County Road 29.

(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 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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to a rail line and may therefore be subject to noise, dust, odours and other nuisances associated with operation and maintenance of the rail line.
4. 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, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
8. A letter shall be received from the Town of Mississippi Mills stating that condition #5 to #7 has been fulfilled to their satisfaction.
9. The lands to be retained are for the purpose of a lot addition (farm consolidation) only to the adjacent lands owned by Patricia Alice Stewart described as Part Lot 3 Conc. 8, geographic Township of Ramsay (civic address 6829 County Road 29), 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 the future replacement area for a septic system will be towards the present garden area on the east side of the dwelling. Additional fill / imported fill may be required in the replacement leaching bed area.*

- 2/ *The property owner should be advised that in the event that shoreline work is proposed along the tributary, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- 3/ *In addition, any proposed works in or near the tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: 2083710 Ontario Inc. **Hearing Date:** June 21, 2010
Agent: Tracy Zander, Zanderplan
LDC File #: B10/028 & B10/029
Municipality: Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 16 & 17 **Concession:** 6
Roll No. 0919 919 030 05600 **Consent Type:** New lots

Purpose and Effect:

B10/028 – To sever a 34.0-ha vacant landholding.

B10/029 – To sever a 35.0-ha vacant landholding and to retain a 35.0-ha landholding with an existing dwelling and outbuildings. The lands are accessed via Drummond Con 7.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Residential Residential
Area	34.0 ha	35.0 ha	35.0 ha
Frontage	307 m	307 m	305 m
Depth	1114 m	1140 m	1164 m
Road - Access to	Municipal Rd	Municipal Rd	Municipal Rd
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Private well Private septic
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural & Rural exception		Rural & Rural exception
-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 3 General Provisions, Section 3.8 Division of Land, S 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, Section 7 Rural Exception, Section 12 General Commercial.

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

(b) AGENCY REVIEW

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

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

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

Advisory Notes:

It shall be noted that the subject lands are within the catchment area of the William Ireton Municipal Drain and as such may be subject to a charge levied pursuant to the Drainage Act. All buildings and structures must respect a minimum setback of 66 feet from the drain in order to allow for future maintenance work.

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 applications is to sever two vacant landholdings and retain 35.0 ha with an existing residence and outbuildings. B10/028 proposes to sever 34.0 ha while B10/029 proposes to sever 35.0 ha.

A review of available mapping shows the William Ireton Municipal Drain travelling through the subject lands and eventually draining into McIntyre Creek. The presence of this drain was confirmed during a site visit conducted by MVC Staff on June 4, 2010. In addition, a review of aerial photography revealed the presence of unclassified wetland towards the rear of the subject lands. This wetland appears to extend from the rear towards the middle of B10/028.

The resulting lots meet with the current minimum area requirements set out in the Township of Drummond/North Elmsley's Zoning By-law and sufficient area appears to exist to locate future development in compliance with the zoning provisions. With all of this in consideration, MVC does not have any objection to the subject application provided the following mitigative measures are implemented through a Development Agreement or Site Plan Control, for any future development on the subject lands:

1. Future development, including a septic system shall be setback the greater of:
 - a minimum 30 metres from the seasonal high water mark of the drain and wetland or
 - beyond the waterbody setback specified in the Zoning By-law at the time of new development, from the drain and wetland.
2. The unclassified wetland shall remain undisturbed.
3. Shoreline vegetation surrounding the Municipal Drain shall be retained to a minimum depth of 15 metres.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the drain, 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 drain 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) – Leeds, Grenville & Lanark District Health Unit
B10/028 Severed – 34 ha parcel is open and flat. There appears to be at least 1 foot of sandy soil over rock. Water table may be high as well. There is adequate space for a new home and raised septic system.

B10/029 Severed – 35 ha parcel is open and flat, containing a silo to be removed. There appears to be at least 1 foot of sandy soil over rock and a high water table in the area. There is adequate space for a new raised septic system and home.

Retained – 35 ha parcel is open and flat, containing a home, well and raised septic system. Satisfactory.

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 two (2) landholdings each consisting of 35.0-ha and to retain a 35.0-ha landholding.

The lands are currently zoned Rural and Rural Exception to permit a golf driving range. The southerly portion of the lands is unclassified wetlands. The applicant has requested that the Rural exception zone remain on the lands. The exception provides that all Rural uses plus a driving range would be permitted.

The subject lands are located in an area characterized by Residential on varying lot sizes along Drummond Con 7. The lands to the west of Highway 7 are designated as a “Settlement Area” – Drummond Centre. William Ireton Municipal Drain crosses the east of each of the proposed lots. Mississippi Lake is approx 1 km to the east of the lots.

The lands are accessed via Drummond Con 7, a municipally maintained road.

Soils Inventory – Rear Section - Muck
North (Front) Section - Name: Tennyson
- Stoniness: slightly stony
- CLI: 2 – moderate limitation
- 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 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:

John and Tracy Ireton - May 6, 2010

We are in receipt of your Notice of Application for Consent in regards to the above noted application. Please consider this as a written request to be notified of the public meeting that will be schedule once you have complete your review of the proposal.

(e) MINUTES – June 21, 2010

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

Ms. Zander advised that the applicant had discussed with the Township the zoning exception which allows for a ‘golf driving range’ together with a residence would provide flexibility for the two lots.

(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:

B10/028

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 Drummond / North Elmsley.
3. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of June 7, 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.
6. A letter shall be received from Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #5 has been fulfilled to their satisfaction.

NOTES

- *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- *In addition, any proposed works in or near the drain 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.*
- *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
- *The Leeds Grenville and Lanark District Health Unit advises that a raised septic system may be required.*
- *The Township of Drummond / North Elmsley advises that the lands are within the catchment area of the William Ireton Drain and as such may be subject to a charge levied pursuant to the "Drainage Act". No development shall be permitted with 20 m of the drain to allow for future maintenance work.*

B10/029

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 Drummond / North Elmsley.
3. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of June 7, 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.

6. A letter shall be received from Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #5 has been fulfilled to their satisfaction.

NOTES

- *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- *In addition, any proposed works in or near the drain 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.*
- *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
- *The Leeds Grenville and Lanark District Health Unit advises that a raised septic system may be required.*
- *The Township of Drummond / North Elmsley advises that the lands are within the catchment area of the William Ireton Drain and as such may be subject to a charge levied pursuant to the "Drainage Act". No development shall be permitted within 20 m of the drain to allow for future maintenance work.*

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 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.5.4 Private Roads, Section 7.5 Natural Heritage Features, 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 10.0 Limited Service Residential. 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

An application has been received from the County of Lanark Land Division Committee for a lot addition. The lands are located on Ellis Wood Road and are legally described as Lot 25, Concession 11, former Township of Darling now in the Township of Lanark Highlands.

The applicant wishes to sever approximately 1.6 ha of land for transfer to an abutting property owner. The proposed severed lands will have 160 metres of frontage and a depth of 110 metres. The proposed retained lands will have 600 metres of frontage on Ellis Woods Side Road, a registered right of way, and an area of approximately 70 hectares.

The property is designated as Rural on Schedule A 3 of the Township's Official Plan and zoned Limited Services Rural on Schedule A 3 by Zoning By-law 2003-451. Both the severed and retained lands are vacant.

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.

There are at present no plans for construction or development although the lands could be used for residential purposes in the future. Services for treatment of septic and the provision of potable water will be private and permits will be required prior to development. The lands appear to be of sufficient size and area to support those services.

Access is provided via a registered right of way, all proposed lots will have sufficient frontage on the roadway and no extensions of existing maintenance and services will result if these applications move forward to approval.

Official Plan

The subject lands are designated Rural on Schedule 'A 3' 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 as submitted can achieve those directives.

Zoning

The lands are zoned Limited Services Rural on Schedule 'A 3' of Zoning By-law 2003-451. The proposal meets the performance standards of the zoning by-law. If at some point in the future new development is proposed setback requirements will need to be met. The Limited Services Rural zone is intended for those lands where municipal services are limited and access to a opened public highway is not necessarily guaranteed included snow ploughing, road grading, school busing, garbage pick-up etc. The lands are appropriately zoned and any future development will need to consider the aforementioned.

Discussion

The application as submitted is consistent with the PPS, Official Plan policies and complies with zoning. It should be noted that the application was previously given consent by the land division committee of Lanark County but the applicant allowed the severance to lapse.

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.

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

Severed – 1.6 ha vacant and wooded property appears well drained. Soil is sandy and land is rolling. Satisfactory.

Retained – 70 ha vacant and wooded property has sandy soil with variable slope and drainage. Satisfactory

White Lake Association – no comments provided.

(c) PLANNING REVIEW

The applicant proposes to sever 1.6-ha vacant parcel of land as a lot addition to lands owned by Ron Connelly at Pt Lot 25/26 Conc. 11 Darling. The lands are located between the two private roads, locally known as Ellis Woods Road and Ellis Woods Side Road. The retained lands consist of a 70.0-ha vacant landholding.

The subject lands are located in an area characterized by large landholdings and seasonal residential along the shore of White Lake. An area to the south of the retained lands is classified within the Ontario Living Legacy as "White Lake Wetlands". This site is considered as the best example of a marble-based fen in the Ottawa Valley.

The lands are within an area classified as the "White Lake – Lowney Lake Wetland Complex". In accordance with Section 7.5.2.2 of the Lanark Highlands Official Plan, 'development and site alterations may be permitted on such wetlands or wildlife habitat or adjacent lands or for uses permitted in the underlying or surroundings land use designation, only if it has been demonstrated through the preparation of an Impact Assessment, that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.

Recommendation No. 2 submitted by the Township has not been included as this application is for a lot addition. Both the lands to be enlarged and the retained lands are in excess of 25-ha.

The lands are accessed via Ellis Woods Roads and Ellis Woods Side Road, private road, which access Windy Point Road, a municipally maintained road.

Soils Inventory – Name: Tweed

- Stoniness: slightly stony
- CLI: 7 – no capability for agriculture
- 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 Lanark Highlands and could be given favourable consideration.

(d) PUBLIC INPUT

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

Scott Munro – June 4

(per telephone) expressed concerns regarding the r-o-w and future use of such.

Karl Krech – June 7, 2010

My only comment is that I want to ensure nothing resulting from this application will have any impact on the current location of Ellis Woods Road and the right-of-way that property owners have on this roadway. Thank you.

(e) MINUTES – June 21, 2010

Mr. Whitehead, agent, advised that he would be unable to attend and submitted the following letter:

We have had an opportunity to review your planning report for the above referenced application for consent to sever lands owned by Neil Stewart as a lot addition to lands owned by Ron Connelly. Approval of the proposed lots subject to the conditions included under Option #1 of your report would be acceptable to our client.

We would also like to confirm that the consent decision will include a reference that the lot addition is granted together with a right-of-way over the lands shown in yellow on the sketch attached to the application for Consent. This request for consideration of access can be included in the legal description for the severed lands in proposed Condition #1.

It is understood that you have received written correspondence from a neighbour who is concerned about the impact this application will have on the current location of Ellis Woods Road and the right-of-way that the owners have on this roadway. We would like to confirm that the approval of the proposed consent will have no impact on the current location of Ellis Woods Road and the right-of-way.

Please do not hesitate to contact me if you have any questions.

Yours very truly
Jp2g Consultants Inc.
Engineers • Planner • Project Managers



Brian Whitehead MA, MCIP, RPP
Director of Planning

(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 deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. The deed of land required by condition #1 above shall recognize any easements that currently exist.
4. The deed of land required by condition #1 above shall include a r-o-w over Part 3 Plan 26R-1855 and Part 1 Plan 27R-5619.

5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. 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.
9. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #8 has been fulfilled to their satisfaction.
10. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Ron Connelly described as Part Lot 25 and 26 Conc. 11 Darling, 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:

- *The property owner should be advised that the subject property is located within an area designated as the "White Lake – Lowney Lake Wetland Complex". Development and site alterations may be permitted on such wetlands or wildlife habitat or adjacent lands or for uses permitted in the underlying or surroundings land use designation, only if it has been demonstrated through the preparation of an "Impact Assessment", that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.*
- *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: Cheryl & Peter Dermann **Hearing Date:** June 21, 2010
Agent: N/A
LDC File #: B10/031
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 16 **Concession:** 9
Roll No. 0911 911 015 56200 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.2-ha residential lot with an existing dwelling and outbuilding and retain a 23.4-ha vacant landholding. The lands are accessed via Scotch Line Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential	Vacant
Area Frontage Depth Road - Access to	1.2 ha 90 m 135 m County Road	23.4 ha 600 m 600m + County Road
Water Supply Sewage Disposal	Private Well Private Septic	Proposed Well Proposed Septic
Official Plan Designation -Conformity?		Rural Yes
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha n/a 60 m n/a n/a	Rural 1.0-ha n/a 60 m n/a n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where

municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

Official Plan – Section 2 General Provisions, Section 3.6 Rural Policies, Section 4.3 County Roads, Section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 10 Rural 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
- Payment of all costs incurred by the Township for review
- Copy of Deed/transfer
- 2 copies of the reference plan
- Parkland contribution of \$100

Conservation Authority - Rideau Valley Conservation Authority

Attention: Mary Kirkham
County of Lanark
Land Division Committee
Box 37
PERTH, Ontario
K7H 3E2

Subject: Dermann Severance **B10/031**, in Part Lot 16, Concession 9, Tay Valley
Township, Ward of North Burgess, #4232 County Road 10,

Dear Ms. Kirkham,

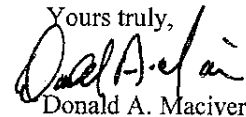
The subject application for consent has been reviewed by the Rideau Valley Conservation Authority (RVCA) and we offer the following comments to the Committee.

The proposal involves the creation of a new parcel of 3 acres with approximately 53 acres remaining in the retained portion. The retained lot is vacant and consists of wetlands, open fields and with mixed bush. The proposed lot has an existing residential dwelling and several out buildings. A watercourse flows through the retained lands and eventually into Grants Creek. The watercourse does not bisect the proposed lot and provides habitat to a variety of fish species such as; largemouth bass, creek Chubb and northern pike. The RVCA does not have floodplain mapping in this area. The Ontario Base mapping provided by the Ministry of Natural Resources also indicates that a small wetland is located along the watercourse on the retained lands; it is not provincially significant.

The Conservation Authority has no objection to the consent as there is no anticipated impact to the watercourse or wetlands as a result of the application. Any future development within 100 metres of the watercourse will be subject to Site Plan Approval through the municipality. We recommend that any future development on the retained lands be located a minimum 30 metres from the watercourse. Issues related to development can be addressed during Site Plan Approval. Written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of the watercourse; Fisheries Act conformity would be addressed simultaneously.

Trusting this is satisfactory we thank you for the opportunity to comment. Please do not hesitate to contact the undersigned should there be any questions. Please provide a copy of the Committee's decision to the Rideau Valley Conservation Authority's Manotick Office. We would also appreciate being advised of any change in the status of the application.

Yours truly,



Donald A. Maciver, MCIP, RPP
Director of Planning

cc - Tay Valley Township
- Mr. Dermann

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

File: S03-10-07



April 23, 2010

Ms. Kathy Coulthart-Dewey
Tay Valley Township
217 Harper Road
Perth, ON K7H 3C6

Dear Ms. Coulthart-Dewey:

Re: B10/031 - Peter and Cheryl Dermann Application for Consent to Sever Concession 9, PT Lot 16, Burgess Ward, Tay Valley Township, Municipally Known as 4232 Scotch Line Rd., Roll No. 0911 911 015 56200 0000

A site visit was conducted at the above mentioned property by our office on April 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 1.215 hectare parcel, 90 m wide by 135 m deep, from the west portion of the lot to create a new lot. There is an existing dwelling, two out buildings, a septic system (SF57095), and upgraded well casing. A visual inspection of the bed showed no obvious signs of failure.

No test pits were present for inspection but sufficient space exists for a fully raised Class 4 septic system, should one be required. The retained parcel is irregular in dimensions and approximately 22.08 hectares in area. There is a pond and creek that bisect the retained portion. There is currently a new lane under construction and two large areas cleared of vegetation on the eastern portion of the retain parcel.

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 in any way with the existing dwelling or septic system. Given the above information, our office has no objections to the severance as proposed.

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

Yours truly,

A handwritten signature in black ink, appearing to read "E. Kohlsmith".

Eric Kohlsmith
Septic Inspector, Mississippi-Rideau Septic System Office

cc. Peter and Cheryl Dermann, Owner

County Road Department –

Applicant has an approved existing entrance to the County Road – Permit No. 1242.

Applicant has an approved entrance location to the County Road – Application No. 2273.

Entrance to be installed prior to deed endorsement.

Prior to deed endorsement, East ½ of circular driveway at PIN 4232 must be removed as per conditions of Entrance Permit #1242 and full installation of Entrance Permit #2273 must be completed.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever a 1.2-ha residential lot with an existing dwelling and retain a 23.4-ha vacant landholding.

The subject lands are located in an area characterized by Residential on large landholdings and smaller landholdings along Scotch Line. Grants Creek is located south of the road.

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

Soils Inventory – Name: Monteagle

- Stoniness: very stony
- CLI: 4 – severe limitations
- 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 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 – June 21, 2010

Peter Dermann, applicant, attended the hearing and gave evidence under oath.

Mr. Dermann advised that they had recently undertaken water well testing, and the result were good.

(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 a copy of the deed/transfer for the property.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
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. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County. (Permit No. 1242 and 2273).
8. The applicant shall remove the east ½ of the existing circular driveway at PIN 4232 Scotch line Road.
9. A letter shall be received from Tay Valley Township stating that condition #2 to #6 has been fulfilled to their satisfaction.
10. A letter shall be received from County of Lanark Public Works Department stating that condition #7 and #8 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that any future development on the retained lands be located a minimum of 30 metres from the watercourse.*

2. *The Rideau Valley Conservation Authority advises that written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of the watercourse; Fisheries Act conformity would be addressed simultaneously.*
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 retained lands.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Brian Miller
Sandy McGregor

Hearing Date: June 21, 2010

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B10/032, B10/033 & B10/034

Municipality: Township of Drummond/North Elmsley

Geographic Township: Drummond

Lot: 16 **Concession:** 7

Roll No. 0919 919 030 18500

Consent Type: New Lots

Purpose and Effect:

B10/032 – To sever a 0.4-ha residential building lot

B10/033 - To sever a 0.4-ha residential building lot

B10/034 - To sever a 0.4-ha residential building lot with an existing dwelling and outbuildings and to retain a 21.6-ha vacant landholding. The lands are accessed via Miller Drive.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B10/032	B10/033	B10/034	
Existing Use	Vacant	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential	Residential
Area	0.40 ha	0.40 ha	4.0 ha	21.60-ha
Frontage	60 m	60 m	250 m	736 m
Depth	67 m	67 m	irregular	irregular
Road - Access to	Mun. Road	Mun. Road	Mun. Road	Mun. Road
Water Supply	Proposed	Proposed	Pvt well	None
Sewage Disposal	Proposed	Proposed	Pvt septic	None
Official Plan Designation -Conformity?	Settlement Area			
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 1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

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 4.2 Hamlet, 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:

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

- That the balance of any outstanding taxes shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- Sufficient land for Road Widening purposes shall be conveyed 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.

It shall be noted that application B10/033 and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All buildings and structures must respect MDS calculations.

Conservation Authority – Mississippi Valley Conservation

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat

and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

According to the information provided, the purpose of the subject application is to sever three lots. B10/032 and B10/033 each propose the severance of a vacant 0.4 ha lot while B10/034 proposed the severance of 4.0 ha with an existing residence and outbuildings. The retained land is a vacant 21.6-ha landholding.

The subject property is largely characterized as grassy, open field. And, as observed during site visit conducted by MVC staff on June 9, 2010, an unnamed watercourse travels through a small wetland on B10/034, through the retained lands and eventually drains into McIntyre Creek. No other natural heritage features or natural hazards were identified.

The resulting lots meet with the current minimum area requirements set out in the Township of Drummond/North Elmsley's Zoning By-law and they appear to have sufficient area to accommodate new development in compliance with the Zoning By-Law and various setback requirements. On this basis, MVC does not have any objection to the subject applications provided that future development complies with the zoning provisions; particularly with respect to the waterbody setback and the retention of a shoreline vegetated buffer.

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed B10/032 – 0.4 ha portion is a flat, open field. There is at least 1-2 feet of sandy soil at the surface of the ground. Portion is well drained. There is adequate space for a new house, well and septic system. Sandy loam may be required in leaching bed area.

Severed B10/033 - 0.4 ha portion is a flat, open field with at least 1-2 feet of sandy soil at the surface of the ground. Portion is well drained. There is adequate space for a new house, well and septic system. Sandy loam may be required in leaching bed area.

Severed B10/034 – 4.0 ha parcel contains a home, well and various buildings. No drainage issues were observed around the house. There is a low lying wet portion near highway 7. Satisfactory. Adequate space to replace existing septic system.

Retained – 21.6 ha parcel is a gently sloping open field. There is 1-2 feet of sandy soil at the surface of the ground. The parcel will accommodate a home, well and septic system. Sand loam fill will be needed in leaching bed area.

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 three residential lots – two building lots, each 0.4-ha and a residential lot with an existing dwelling and outbuildings, 4.0-ha and to retain a 21.6-ha vacant landholding.

The subject lands are located in a designated settlement area (Drummond Centre), north of Highway 7 and along Miller Drive. The lands to the north of Miller Drive consist of landholdings.

B10/034 contains outbuildings which are capable of livestock housing. If approved, MDS calculations will be required prior to any building permits being issued. The Township is satisfied with this approach.

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

Soils Inventory – mixture

- Name: Tennyson	North Gower
- Stoniness: slightly stony	non stony
- CLI: 2 – moderate limitations	moderate limitations
- Drainage: well drained	poorly drained
- Hydrogeology: moderate	nigh run-off

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 – June 21, 2010**

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

Ms. Zander explained that the B10/034 was configured in such a way as to follow existing fence lines. The committee requested that Ms. Zander discuss with her clients the possibility of increasing the depth of B10/032 to match the depth of the adjacent lot and B10/034 to match the depth of the northerly lot line of B10/034. Ms. Zander agreed to discuss this with her client, but questioned if they agreed would this require an amendment to the applications, resulting in further circulation as the increase would be greater than 10 – 15%.

Moved by D. Murphy

Seconded by R. Strachan

THAT should Miller/McGregor agreed to amending the depth of B10/032 and B10/033, that the Secretary be authorized to proceed with the application without any further circulation or amendment fees.

ADOPTED

(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:

B10/032

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 Drummond / North Elmsley.
3. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES:

1. *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.*
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 may be required in the septic system area.*

B10/033

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 Drummond / North Elmsley.
3. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES:

1. *The severed and 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.*
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 may be required in the septic system area.*

B10/034

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 Drummond / North Elmsley.

3. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #4 has been fulfilled to their satisfaction.

NOTES:

1. *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed along the tributary located on the retained lands, 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 tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *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. *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 retained lands.*
5. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the replacement septic system area.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Ronald W. Moore
& Margaret A. Moore

Hearing Date: June 21, 2010

Agent: N/A

LDC File #: B10/035

Municipality: Drummond / North Elmsley

Geographic Township: North Elmsley

Lot: 15 **Concession:** 8

Roll No. 0919 908 015 50200

Consent Type: New Lot

Purpose and Effect:

To sever 0.97-ha residential building lot and retain a 38.8-ha landholding. The lands are accessed via Highway 43.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Pasture
Proposed Use	Residential	Pasture
Area	0.97-ha	38.8-ha
Frontage	142 m	161 m
Depth	174 m	1008 m
Road - Access to	County Road	County Road
Water Supply	Proposed	None
Sewage Disposal	Proposed	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 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 4.3 Rural Policies, section 5.2 County 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:

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

- The balance of any outstanding taxes shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application, is a survey is required by the Registry office.

Rideau Valley Conservation Authority –

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

The proposal involves the creation of a new 2.4 acre parcel with 96 acres remaining in the retained portion. The subject lands are vacant and have been used for agricultural purposes. The retained portion north of Highway 43 also includes areas of unevaluated wetlands. These wetlands are not regulated by the RVCA. Our records indicate that the landowner severed a portion of the property along the Tay River in 2006.

There is an established dwelling on the retained lands south of Highway 43 along the Tay River. We have no objection to the proposal as there is no anticipated impact to the Tay River or wetland to the north as a result of this application. As noted in our previous review any alteration along the Tay River requires permission from the RVCA.

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 & Lanark District Health Unit

Severed Lands – 2.4 acre parcel is an open field with at least a foot of sandy loam over clay. There are no drainage issues observed. Recommendation – There is adequate space on parcel for a new home, well and septic system. Leaching bed will likely need to be raised, depending on location.

Retained Lands – 96 acre parcel is open agricultural land with variable slope and drainage. Recommendation – satisfactory.

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 Department -

Land proposed to be severed by B10/035 has an approved location for residential access (#2243).

A full entrance application must be submitted and entrance installed prior to deed endorsement.

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.97-ha residential building lot and retain a 38.8-ha vacant landholding. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on large landholdings to the west and residential on smaller lots to the east with Port Elmsley (settlement area) also to the east. A farm operation is located to the south.

The lands are accessed via Highway 43, a county maintained road.

Soils Inventory – West Portion

- Name: Balderson
- Stoniness: slightly stony
- CLI: 2 – Moderate limitations
- Drainage: imperfectly
- Hydrogeology: moderate

East Portion

- Tennyson – Shallow Phase
- Slightly Stony
- 4 – severe limitations
- well drained
- moderate

Due to the proximity of a livestock facility, the applicant prepared an MDS Calculation. The report requires a 258 m separation between the dairy operations located on the farm at Pt Lot 15 Conc. 8 North Elmsley. The livestock facility is approx 200 m from the south east corner of the proposed lot. There is sufficient depth to site the dwelling in accordance with the separation distance requirement. If approved a condition should be placed on title advising of the adjacent farming operation as well as a note regarding the requirement for an MDS calculation prior to the issuance of a building permit.

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 – June 21, 2010**

No persons attended.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the applicant register on title a covenant stating that 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. The County Public Works Department shall confirm that the existing/proposed entrances to the lot to be severed and retained have been installed to the satisfaction of the County (Permit No. 2243).
6. A letter shall be received from the County of Lanark Public Works Department stating that condition #5 has been fulfilled to their satisfaction.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 and #4 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Beckwith will require an MDS calculation prior to the issuance of a Building Permit in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
4. *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.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Alan William Miller

Hearing Date: June 21, 2010

Agent: D. Scott Murray

LDC File #: B10/036

Municipality: Town of Mississippi Mills

Geographic Township: Pakenham

Lot: 24 **Concession:** 11

Roll No. 0931 946 030 07900

Consent Type: New Lot

Purpose and Effect:

To sever a 1.4175-ha residential lot with an existing dwelling and to retain a 41.11-ha agricultural landholding for the purposes of farm consolidation. Lands are accessed via 12th Conc. Pakenham

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Agriculture Agriculture
Area Frontage Depth Road - Access to	1.4175-ha 161.544 m 85.344 m Municipal Road	41.11-ha 749.507 m 603.504 m Municipal Road
Water Supply Sewage Disposal	Private Well Septic System	None None
Official Plan Designation -Conformity?	Agriculture Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Agriculture 0.4-ha Yes 45 m Yes	Agriculture 37-ha Yes 150 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.

2.3 Agriculture

Section 2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

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

c) a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

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 of 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.

Official Plan – Section 2 Basis of Plan, Section 3.2 Agricultural Policies, Section 4 General Policies, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

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

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

The Town of Mississippi Mills advises that the proposal complies with the provisions of the 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:

Town Planner's Report

Background

Mr. Miller currently owns approximately 42.53ha (105.1ac) of land located on 11th Concession, Pakenham Ward in the Town of Mississippi Mills. The property currently has a Community Official Plan designation of Agricultural. The property is zoned Agricultural (A) Zone. The applicant is proposing to sever one (1) residential lot, 1.4175ha (3.50ac) in

size from the existing agricultural lot creating a total of two lots. The proposed severance application would sever the existing dwelling and outbuildings surplus to the farm operation. Mr. Miller proposes the remaining agricultural land be consolidated with his neighbouring agricultural operation.

Severance Application Summary

Lot Severance (B10/036)

This application is to sever a lot with the existing dwelling, barn and lean-to barn. The severed lot would total 1.4175ha (3.5ac) of land and remaining would be 41.11ha (101.59ac) of agricultural land on Lot 24, Concession 11, Pakenham Ward. The new lot would have a proposed lot frontage of 161.544m (530ft). Access to the severed lot is currently from the 12th Conc. N. The retained lands would have an approximate land area of 41.11ha (101.59ac), with a lot frontage of 749.507m (2459ft) on Concession 12. (Refer attached to sketch).

Provincial Policy Statement:

Section 2.3.4.1 of the Provincial Policy Statement discourages the creation of lots from agricultural land, except when the lots being created are appropriate for agricultural uses, limited to a minimum size to accommodate appropriate sewage and water services, residences surplus to a farming operation or where facility or corridor infrastructure cannot be accommodated through the use of easements or right of ways. This severance application would sever the existing residence from the farming operation. The retained lands would have an approximate lot area of 41.11ha (101.59ac) and would be consolidated with the Alan Miller farming operation.

Section 2.3.3.3 states that “new land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formula”. The retained lands will be used for a tillable agricultural operation therefore the MDS calculation for the new lot does not apply.

Community Official Plan Policies

The subject property has an Official Plan designation of Agricultural. Section 3.2.7-Severances and Lot Creation, permits the creation of a lot, only if the farm dwelling was built prior to 1978 and is made surplus to a farming operation as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm. The official plan also states that only farmers expanding their farm holdings shall qualify for surplus farm dwelling severances. The COP defines a surplus dwelling as being a farm dwelling built prior to 1978 and is made surplus as a result of farm consolidation.

Traditionally, the surplus farm dwelling is for an agricultural parcel of land with one dwelling for the farmer that is deemed surplus to the farming operation, usually as a result of the farmer retiring. In this case, the farm dwelling will be made surplus to the agricultural operation by the consolidation of the remaining farm lands with the neighbouring farm operation owned by the applicant, Alan Miller. Based on the intent of the policy and the definition of a surplus farm dwelling, this dwelling could be considered to be compliant.

This application is subject to the minimum distance separation requirements. The land surrounding the severed property is being used for crop production and as a result the MDS does not apply.

Zoning By-law

The subject property is currently zoned Agricultural (A) zone and permits residential land uses that are either accessory to the agricultural use or a non farm dwelling. The by-law requires a minimum lot area of 0.4 hectares (1.0 acres) and a minimum lot frontage of 45m (147ft). Application B10/036 proposes a non-farm residential lot with a lot area of 1.4175ha (3.5ac) with a frontage of 161.544m (530ft). This application is consistent with the lot provisions outlined in the agricultural zone.

The zoning by-law also requires that the proposed lot must meet the minimum distance separation requirements. The agricultural use on the abutting property is crop based and therefore MDS conformity is not required.

Conclusion

The proposed severance is consistent with the Community Official Plan policy regarding severances and lot creation and the proposed lot area and lot frontage are consistent with the zoning by-law. The proposed severance has access to a municipally owned and maintained road. With this in mind, staff's recommendation regarding the proposed severance is to support the application subject to conditions.

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

5. That the applicant provide a copy of the registered reference plan to the Town;
6. That the applicant provide a digital copy of the registered reference plan in a .DWG file format to the Town;
7. That the applicant pay any outstanding property taxes on the subject property;
8. That the applicant must rezone the retained lands to prohibit the construction of a new residential dwelling on the farm land parcel;
9. That the owner shall register a covenant on title of the severed land stating that the lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities."

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – A 1.4-ha lot with an existing old farm house, barn and lean-to barn. A well and sewage system services the house. Recommendation – additional sandy loam fill will be required in area of future replacement leaching bed.
Retained Lands – a 41 ha lot of vacant agricultural land. Additional sandy loam fill will be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 1.417-ha parcel of land with an existing dwelling, and outbuildings. The remaining lands (41.0-ha) is proposed to be consolidated with his adjacent farming operation located on Lot 23 and used for tillable agricultural operations. No MDS was undertaken as the dwelling is existing. It is however, recommended that a

condition be included to notify any new owner that the lands are adjacent to an existing farming operation and may be subject to noise, odour, etc associated with the farming operation.

The subject lands are located in an area characterized by Agricultural operation and a few residential lots along the 12th Con. N Pakenham.

The lands are accessed via 12th Conc. N Pakenham, a municipally maintained road.

Soils Inventory – Name: Rideau

- Stoniness: non stony
- CLI: 3 moderate limitations
- Drainage: imperfectly
- Hydrogeology: high runoff potential

The lands are within 300 m of a Primary Water Source (Waba Creek) 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 Community Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES – June 21, 2010

Scott Murray, agent, attended the hearing and gave evidence under oath.

Mr. Murray advised that his client has made a number of ‘farm consolidations’ over the past few years, and is familiar with the requirement to re-zone the retained lands.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the applicant register on title a covenant stating that the lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities.
3. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
6. The lot to be retained shall be re-zoned to prohibit the construction of any new residential dwelling on the agricultural lands. The applicant shall consult directly with the Town of Mississippi Mills in this regard.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #2 to #6 has been fulfilled to their satisfaction.

NOTES

- 1/ *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.*
- 2/ *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the replacement septic system area.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Art Elliott **Hearing Date:** June 21, 2010
Agent: N/A
LDC File #: B10/038
Municipality: Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 9 **Concession:** 7
Roll No. 0919 919 030 16000 **Consent Type:** New Lot

Purpose and Effect:

To sever a 0.5-ha residential building lot and to retain a 40.0-ha landholding with an existing dwelling and outbuildings. The lands are accessed via Drummond Con. 7

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Agricultural
Proposed Use	Residential	Agricultural
Area	0.5 ha	40 ha
Frontage	56.4 m	144 m
Depth	86.9 m	1350 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed	Private well
Sewage Disposal	Proposed	Private septic
Official Plan Designation -Conformity?	Rural (retained lands also have Wetland overlay) 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 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 4.3 Rural Policies, section 5.2 Provisional 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:

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

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

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

Severed – 0.5 ha vacant parcel is flat, open pasture land. There appears to be a high water table in the area. There is adequate space to accommodate a raised septic system and home.

Retained – 40 ha parcel contains a home, raised septic system, well, pastureland, numerous outbuildings and a wetland area. There does not appear to be drainage issues around the house. No surface malfunction observed at inspection. There is adequate space for replacement.

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 0.5-ha building lot and retain a 40.0-ha landholding with an existing dwelling and outbuildings.

According to a review of available mapping, the McIntyre Creek (Drummond) Municipal Drain travels through the proposed retained lands and eventually drains into McIntyre Creek. In addition, mapping revealed that a significant portion of the proposed retained lands are comprised of Blueberry Marsh, which has been classified as Provincially Significant Wetland (PSW) by the Ministry of Natural Resources. No Natural Heritage Features or Natural Hazards were identified on the proposed severed lands.

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

The resulting lots meet with the current minimum area requirements set out in the Township of Drummond/North Elmsley's Zoning By-law. And, the proposed severed lands appear to have sufficient area to accommodate new development in compliance with the Zoning By-Law and various setback requirements. On this basis, MVC does not have any objection to the subject application provided that future development complies with the zoning provisions; particularly with respect to the minimum waterbody setback and the retention of a shoreline vegetated buffer.

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any alterations to the shoreline of the McIntyre Creek (Drummond) Municipal Drain or for any interference within 120 metres of the Blueberry Marsh PSW.

In addition, any proposed works in or near the Municipal Drain or the PSW 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.

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

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

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 0.5-ha residential building lot and retain a 40-ha landholding with an existing dwelling, barn and outbuildings.

The subject lands are located in an area characterized by limited Residential and farm along Drummond Con 7. An industrial use (garage) is located approximate 180 m to the west of the proposed lot. Blueberry Marsh is located on the rear (northern portion) of the retained lands as well as a Municipal Drain. The proposed lot is not affected by either and is outside the influence area of the classified wetland.

Due to the proximity of a livestock facility, the applicant prepared an MDS Calculation. The report requires a 196 m separation between the operation located on the retained lands. The livestock facility is approx 130 m from the south west side of the proposed lot. There appears to be sufficient depth to site the dwelling in accordance with the separation distance requirement. If approved a condition should be placed on title advising of the adjacent farming operation as well as a note regarding the requirement for an MDS calculation prior to the issuance of a building permit.

The lands are accessed via Drummond Con 7, a municipally maintained road.

Soils Inventory – Name: Tennyson
- Stoniness: non stony
- CLI: 2 – moderate limitations
- 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 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 – June 21, 2010

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. That the applicant register on title a covenant stating that the lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of 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 frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
6. That a residential entrance to the subject lot shall be obtained. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard
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

- *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
- *The 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 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.*

- *The Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any alterations to the shoreline of the McIntyre Creek (Drummond) Municipal Drain or for any interference within 120 metres of the Blueberry Marsh PSW.*

- *The MVC also advises that, any proposed works in or near the Municipal Drain or the PSW should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Peter Ghinn **Hearing Date:** June 21, 2010
Agent: ZanderPlan (Tracy Zander)
LDC File #: B10/039
Municipality: Township of Drummond / North Elmsley
Geographic Township: North Elmsley **Lot:** 26 **Concession:** 9
Roll No. 0919 908 020 39800 **Consent Type:** New Lot

Purpose and Effect:

To sever a 0.48-ha lot with an existing institutional use (church) and to retain a 36.0-ha landholding with an existing dwelling and outbuildings.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Institutional Institutional	Residential Residential
Area Frontage Depth Road - Access to	0.48-ha 61 m 78.5 m Municipal Road	36.0-ha 248 m Irregular County Road
Water Supply Sewage Disposal	Private Well Septic System	Private Well Septic System
Official Plan Designation -Conformity?	Rural Conforms to designation but not to consent policies	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Institutional Exception 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.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, 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:

Township Staff Report to Council

3. **BACKGROUND:** An amendment to the Zoning by-law was obtained on this property to rezone this land from Rural to Institutional-Exceptional” (I-X) Zone via By-law 2007-010 that specified that the permitted uses shall be restricted to assembly hall, church, institution, public use and school.

4. **DISCUSSION**

A place of worship has been constructed however the property owner must sever these lands in order to transfer ownership of this property into the name of the congregation in order to obtain tax exempt status for this church use.

We note the following factors to consider in support of this severance:

- The retained residential property and the proposed severance to create a separated lot for the church both represent existing uses and shall not create a new lot for further development.
- Each of the existing structures represents separately functioning uses that are independent of one another.
- The applicant has gone through a public process to obtain split zoning on the property to authorize each of these separate functions.
- Each of the structures have been assigned a separate PIN number and are located on different roadways.
- The zoning amendment obtained restricts the proposed severed lot to non-residential use.

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

- That the balance of any outstanding taxes shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office.

Conservation Authority –

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

The application involves the creation of a .48 hectare parcel with 36 hectares remaining in the retained portion. The applicant recently severed two building lots in 2009 further along Wildlife Road. We note that a portion of the lands were rezoned in 2007 to permit an institutional use, and a church has been constructed on the site. At that time we identified a small watercourse flowing through the eastern section of the property.

The RVCA has no objection provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. There is no anticipated impact to any natural hazards or heritage features. Please note that written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the watercourse.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at 613- 264-5419 should you have any questions. Please advise us of the Committees decision respecting this application.

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

Severed Lands – 0.48-ha parcel contains a church, well, raised septic system and a parking lot. Recommendations – no surface malfunction observed at inspection. There is adequate space for replacement.

Retained Lands – 36 h parcel contains a farmhouse, pond, well, septic systems and numerous outbuildings. The land is rolling with exposed rock. No drainage issues observed near the house. Recommendations – No surface malfunction observed at inspection. There is adequate space for replacement.

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 0.48-ha parcel of land with an existing institutional use (church) and retain a 36 ha landholding with an existing dwelling and outbuildings. Three (3) previous severances were granted from the original parcel in 1998.

The subject lands are located in an area characterized by Residential, with the Town of Perth to the North West and a large subdivision to the south. The Town of Perth Sewage Lagoon is located approximately .5 k to the east and the Perth Waste Disposal Site is located to the west. The Waste Site Influence area is adjacent to Rideau Ferry Road.

The severed lands are accessed via Wild Life Road, a municipally maintained road and the retained lands are accessed via Rideau Ferry Road, a county maintained Road.

Soils Inventory – not required – already built.

Section 3.7.2.5 of the Township's Official Plan states "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".

Notwithstanding, the foregoing, the Township of Drummond / North Elmsley has recommended approval of the severance based on the above noted facts (see Section (b) Agency Review - Township Staff report – Discussion).

The church lands were re-zoned in 2007 to Institutional Exception. The application requested the rezoning of 1.173-ha (2.9 acres) from “Rural” to “Institutional Special Exception”.

In accordance with Section 4.24.1 of the Zoning By-law, the applicant provided a “Site Plan” outlining the location of the building, septic system and well, and details to ensure that adequate parking was available. The parking calculation requires a minimum of 52 parking spaces, and the site plan provides for 57.

Staff assessed the details of Mr. Ghinn’s information regarding assessment and the possibility for exemption for the church building and grounds. In accordance with Section 4 (1) of the Assessment Act “Exemption for religious organizations: the land of a religious organization is exempted from taxation in the circumstance and to the extent described in this section if the land is owned by the organization and occupied and used solely for recreational purposes.”

Due to the proximity of a livestock facility, the applicant prepared an MDS Calculation. The report requires a 276 m separation between the livestock facility and 348 m from the permanent manure storage located on the retained lands. The livestock facility is approximately 476 m from the rear lot line of the proposed lot; the manure storage is approximately 400 m from the rear lot line. The building is already constructed on the proposed lot, however if approved a condition should be placed on title advising of the adjacent farming operation as well as a note regarding the requirement for an MDS calculation prior to the issuance of any future building permits.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is not satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS and Official Plan for the Township of Drummond / North Elmsley, however could be given favourable consideration provided further development restrictions are placed on both the proposed severed lot and the retained lot.

The restrictions proposed are as follows:

- 1/ That the applicant increase the lot size to correspond with the lands zoned “Institutional – Exception (I-X)”.
- 2/ That the retained lands be re-zoned to prohibit any further division of land, except through the subdivision process.

(d) PUBLIC INPUT

Letter from Peter Ghinn – April 15, 2010

Church Hall 525 Wildlife Road

Thank you for your time on the telephone the other day, and as promised I am writing to set out the difficulty that we are experiencing with the property taxation on the church hall

The situation arose originally due to the fact that our existing hall located in Wilson Street South had become out dated , and we were looking for a replacement main hall , it was then suggested that we rezone a piece of land in Wildlife Road to enable us to build a new hall

The Township of Drummond North Elmsley were very helpful and the required land was successfully rezoned institutional, and our Church Hall Trust then proceeded to build the new church hall and we drew up a land lease for the church trust applicable to the piece of property that the hall occupied

During the process of obtaining the build permit we had specifically inquired of the Township regarding the property tax position, and we were duly informed by the Township that all churches were tax exempt, and our church was to be no exception

However after the church was built and occupied we noticed to our surprise that we were actually being charged property tax and so we then investigated the situation to discover that although the Township had advised us in good faith ,(at that time they were themselves genuinely unaware of the ruling) in fact they had provided the incorrect information , the true situation is that churches are exempt from tax '*as long as the church actually owns the land that the church is built on*' , and so the fact that the land is only leased to the church disqualifies it from tax exemption... thus we have had to pay something in the region of \$16000 property tax up to the end February 2010 , and this charge is ongoing

It appears that the only way in which we can avoid the ongoing taxation cost is to find a way for the church to actually become the owner of the property, and this will become possible if the severance application is successful

I trust this explains our position effectively, and I will make myself available to answer questions as rising

Sincerely Peter Ghinn

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 – June 21, 2010**

Tracy Zander (ZanderPlan), agent attended the hearing and gave evidence under oath, and Peter Ghinn, applicant, attended the hearing and gave evidence by affirmation.

Ms. Zander advised that the applicant is aware that this application is for the 4th severance on the lot; however there are special circumstances that can rationalize favourable consideration. The lot has an existing use (institutional), a separate well and septic, a separate entrance and separate zoning from the remaining lands.

Mr. Ghinn advised that he is willing to re-zone the retained lands as suggested and increase the proposed lot to match the lands that were rezoned as institutional in 2007. However, noting that it was the intent of the group to construct a school on the balance of the re-zoned lands.

The Chairman advised that the Official Plan sets out that only 3 severances and one retained are permitted. However, the members recognized that this is an unusual situation and that the recommended conditions respect the situation and are reasonable to satisfy the requirements of the Official Plan and PPS.

(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 shall be increased in size to 1.17363-ha (2.9 acres) to correspond with the lands zoned "Institutional – Exception" per By-law No. 2007-010.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above shall include the following conditions "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The lot to be retained shall be re-zoned to prohibit any further development through the consent process. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.

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

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Pat Dolan

Hearing Date: June 21, 2010

Agent: N/A

LDC File #: B10/043

Municipality: Montague

Geographic Township: Montague

Lot: 26 **Concession:** 4

Roll No. 0901 000 035 04600

Consent Type: Lot Addition

Purpose and Effect: To sever 0.067-ha vacant parcel of land as a lot addition to lands owned by Patrick J Dolan at Pt Lot 28 Conc. 4 Plan 27R-676 and to retain a 0.54-ha residential lot with an existing dwelling. The lands are accessed via Harper Condie Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use		
Area	0.067 ha	.54 ha
Frontage		60.96 m
Depth	18.2 m	90.34 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	Private Well
Sewage Disposal	Vacant	Private Septic
Official Plan Designation -Conformity?	Development Policy Area Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	46 m	46 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.

Official Plan – Section 4 General Provisions, Section 4.15 Development Policy Areas, Section 12 Local Roads, Section 14 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 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 be provided to the Township of Montague.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – 0.067-ha parcel is flat and wooded. Viewed as a lot addition only.

Retained – Contains an existing home, well and raised septic system. Existing septic system shows no signs of malfunction from the surface of the ground. There is adequate space for replacement.

(c) PLANNING REVIEW

The applicant proposes to sever 0.067-ha parcel of land as a lot addition to lands owned by Patrick J Dolan and retain a 0.54-ha residential lot.

The subject lands are located in an area characterized by Residential on typical urban type development. The area has been designated as a settlement area within the Official Plan. The purpose of the lot addition is to 'square' off the lands owned by Patrick Dolan.

The lands are accessed via Harper Condie Road, a municipally maintained 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 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 – June 21, 2010

Pat Dolan, applicant attended the hearing and gave evidence under oath.

Mr. Dolan questioned the proposed condition No. 5, consolidation.

The Chairman explained the purpose of this condition.

(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 Montague.
3. The applicant shall provide the Township of Montague 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 Patrick J Dolan described as Part Lot 28 Conc. 4, Montague, Plan 27R-626, 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: Brad Hollywood **Hearing Date:** June 21, 2010
Agent: Township of Drummond / North Elmsley
LDC File #: B10/050
Municipality: Drummond/North Elmsley
Geographic Township: North Elmsley **Lot:** 9 **Concession:** 7
Roll No. 0919 908 010 38400 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 33-ha vacant landholding as a lot addition to lands owned by Bradley Jay Hollywood at Pt Lot 10 Conc. 7 North Elmsley. The lands are accessed via road allowance between Concession 7 and 8.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Lot Addition	Residential
Area	33 ha	10.7 ha
Frontage	N/A	45 m
Depth	Irregular	Irregular
Road - Access to	N/A	Municipal Road
Water Supply	N/A	Private Well
Sewage Disposal	N/A	Private Septic
Official Plan Designation -Conformity?	Rural and Wetland Yes	
Zoning Category	Rural & Wetland	Rural & Wetland
-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.

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 3.8 Division of Land, section 3.18 Influence Areas, Section 3.19 Land Adjacent to Wetlands, Section 4.3 Rural Policies, Section 4.6 Wetland 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, 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 of – 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 is a survey is required by the Registry Office.
- The severed lands shall be for a lot addition only to adjacent lands owned by Brad Hollywood.

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

Severed Lands 0 a 33 hectare parcel of vacant land that is mainly treed. Land slope and drainage can vary. Soil depths are shallow. Recommendation – additional sandy loam fill will be required in area of future leaching bed.

Retained Lands – a 10.7 hectare parcel of land with an existing house serviced by a well and septic system. Soil depths are shallow. Recommendation – additional sandy loam may be required in the area of future tile bed.

Rideau Valley Conservation Authority

The Planning and Development Review Team has completed a review of the above noted application which seeks approval to sever a residential lot on private services and retain a 33 ha piece of vacant land. We understand that the retained piece will be joined with parcel immediately to the west which is of the same owner. We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement (PPS) under Section 3 of the Planning Act.

A small portion on the south-west part of the severed residential parcel is identified as within the boundaries of the the Provincially Significant Wetland known as “Port Elmsley #2 Wetland”. Approximately 2/3rds of the residential lot to be severed is also within the 120 metre adjacent lands wetland buffer area. The wetland and adjacent lands are regulated under Ontario Regulation 174/06 as administered by the RVCA. Any development activity or site alterations, including construction or re-grading or drainage works within the regulated area requires approval from the RVCA.

The retained parcel is significantly comprised of the Provincially Significant Wetland known as “Port Elmsley #2 Wetland”. The entire area is regulated by Ontario Regulation 174/06 as administered by the RVCA. Any development activity or site alterations, including construction or re-grading or drainage works within the regulated area requires approval from the RVCA. There is no development potential on these lands under the 2005 PPS or the Rideau Valley Conservation Authority regulatory policies. The parcel is also land locked.

It is our understanding that this severance is in effect a lot line adjustment as the retained parcel is to be added to the adjacent west parcel also owned by the owner. This results in a consolidation of landlocked environmentally significant parcels, and does not aggravate the existing situation. For this reason, the RVCA has not identified any issues under the

above noted sections of the 2005 PPS that would preclude the approval of this application.

Conclusion

The Planning and Development Review Team has no objection regarding this application provided the following is a condition of severance:

- 1) that the retained lot is merged with owners other priority adjacent to the west.

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. Meanwhile, if you have any questions or require additional information, please contact me at 1-800-267-3504 ext. 1137.

(c) **PLANNING REVIEW**

The applicant proposes to sever 33.0-ha vacant landholding as a lot addition to lands owned by Bradley Jay Hollywood at Pt Lot 10 Conc. 7 North Elmsley and to retain a 10.7-ha landholding with an existing welling and outbuildings.

The subject lands are located in an area characterized by Residential to the south and west and vacant wetlands to the north and east. The rail-line runs northerly of the lands.

The lands will be accessed through the lands to be enlarged from Station Road, a municipally maintained road.

Soils Inventory – 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**

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 – June 21, 2010**

Tracy Zander, Planner for the Township of Drummond / North Elmsley, agent attended the hearing and gave evidence under oath.

Ms. Zander advised that due to the 'swampy' conditions of the lands that the retained would be surveyed and that the Land Titles Office has advised that they will accept a 'save and except' description for the severed lands.

Ms. Zander also confirmed that access to the lands to be enlarged is via a private road on the location of the unopened road allowance between concession 7 and 8.

(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 the Township of Drummond / North Elmsley, 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 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. A letter shall be received from the Township of Drummond/ North Elmsley stating that condition #2 through #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 Bradley Jay Hollywood described as Part 10 Conc. 7 North Elmsley, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES:

- *The Rideau Valley Conservation Authority advises that the entire area is regulated by "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Any development activity or site alterations, including construction or re-grading or drainage works with the regulated are requires approval from the RVCA.
There is no development potential on these lands under the 2005 PPS or the Rideau Valley Conservation Authority regulatory policies.*
- *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the replacement septic system area on the retained lands.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Carolyn Jeff **Hearing Date:** June 21, 2010
Agent: Julie McAdoo, Planner, McIntosh Perry
LDC File #: B10/063
Municipality: Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 12 **Concession:** 1
Roll No. 0919 919 010 04701 **Consent Type:** New Lot

Purpose and Effect: To sever a 1.85-ha residential lot with an existing dwelling and to retain a 4.83-ha vacant residential building lot. The lands are accessed via Drummond Con. 1

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Vacant
Proposed Use	Residential	Residential
Area	1.85 ha	4.83 ha
Frontage	48.7 m	52.2 m
Depth	381 m	673 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	Proposed
Sewage Disposal	Private Septic	Proposed
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	General Commercial
-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 3 General Provisions, Section 3.8 Division of Land, S 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, Section 12 General Commercial.

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

Township Planner's Notes

A portion of the retained lands is currently zoned General Commercial. Depending on where someone wanted to place a dwelling on the retained lands, a zoning amendment may be required; however it is not necessary to put this as a condition of severance approval. The existing residential entrance will cross the retained lands to get to the dwelling on the severed lands; therefore, either a second entrance or a shared entrance will be required.

(b) AGENCY REVIEW

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

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

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

Conservation Authority – Rideau Valley Conservation Authority
No comments or concerns received.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed - A 1.85 ha parcel of land with an existing house serviced by a septic tank and tile bed. Land very shallow to rock. Additional sandy loam will be required in area of future replacement septic system.

Retained – A 4.83 ha lot that is vacant. Land is very shallow soil depth over rock. 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.

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

(c) PLANNING REVIEW

The applicant proposes to sever 1.85-ha residential lot and retain a 4.83-ha vacant building lot.

The subject lands are located in an area characterized by Residential on estate type lots along Drummond Con 1 with a residential subdivision located to the west of the lands. The Town of Perth is located 4.5 km to the west.

The lands are accessed via Drummond Con 1, 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 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.

(g) MINUTES – June 21, 2010

Wilburt Crain (Crain's Construction Ltd), applicant attended the hearing and gave evidence under oath.

Mr. Crain advised that he was aware that the retained lands may require re-zoning in the future to remove the General Commercial zone.

(h) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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 Drummond / North Elmsley.
3. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
5. The applicant shall obtain a residential entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #2 through #5 has been fulfilled to their satisfaction.

NOTES:

- *That Township of Drummond / North Elmsley advises that the retained lands may require rezoning to permit the construction of a residential dwelling.*
- *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
- *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Marilyn Robinson **Hearing Date:** June 21, 2010
Agent: Regan Lee
LDC File #: B10/060, B10/061 & B10/062
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 1 & 2 **Concession:** 9
Roll No. 0911 911 010 29200 **Consent Type:** New Lots

Purpose and Effect: To sever three (3) 2.975-ha residential building lots and retain a 62.98 landholding with an existing dwelling and outbuildings. The lands are accessed via North Burgess 8th Conc.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B10/060	B10/061	B10/062	
Existing Use	Residential	Residential	Residential	Residential
Proposed Use	Residential	Residential	Residential	Residential
Area	2.975 ha	2.975 ha	2.975 ha	62.98 ha
Frontage	35 m	35 m	35 m	69.08 m
Depth	350 m	350 m	350 m	1080 m
Road - Access to	Mun. Rd	Mun. Rd	Mun. Rd	Municipal Road
Water Supply	Pvt well	Pvt well	Pvt well	Private Well
Sewage Disposal	Pvt Septic	Pvt Septic	Pvt Septic	Private Septic
Official Plan Designation	Rural			
-Conformity?	Yes			
Zoning Category	Rural			Rural
-Area Required (min.)	1.0-ha			1.0-ha
-Compliance?	n/a			n/a
-Frontage Required (min.)	60 m			60 m
-Compliance?	n/a			n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 2 General Provisions, 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
- Payment of all costs incurred by the Township for review
- Copy of Deed/transfer for each application
- 2 copies of the reference plan for each application
- Parkland contribution of \$100 for each application

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

A site visit was conducted at the above mentioned property by our office on April 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 2.975 hectare parcel, 85 m wide by 350 m deep, from the southern portion of the lot to create a new lot. The proposed lot is currently vacant with areas of dense juniper bushes, fenced fields, and very little exposed rock. No test pits were present for inspection.

The retained parcel is rectangular in dimensions and approximately 62.9807 hectares in area. There is a dwelling, several out buildings and a pond on the retained parcel.

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 in any way with the existing dwelling on the retained portion. Given the above information, our office has no objections to the severance as proposed.

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

Conservation Authority – Rideau Valley Conservation Authority

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 a three parcels of 2.9 ha with 62 hectares remaining in the retained parcel. Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is a small unevaluated wetland located on a portion of the proposed eastern lot. There are no hazards, watercourses or natural features on the remaining retained lands. The wetland is not considered provincially significant and is not regulated by the RVCA. The subject lands consist of mixed bush and pasture land.

Our site inspection revealed that the wetland in question is a low lying area with some standing water but does not have the general characteristics of wetland indicators (no organic soil and/or dominant wetland plant species). It appears that the wet area is still used for agricultural purposes. The boundary of the proposed lot is located along the edge of this low lying area and there would be minimal if any disturbance as a result of development of this lot.

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 as a result of the applications.

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

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 three (3) residential lots – each containing 2.95-ha and retain a 63-ha landholding. All the proposed lots are currently vacant. The retained lands have a dwelling and various outbuildings; no buildings are used to house livestock.

The subject lands are located in an area characterized by Residential along Otty Lake Side Road and large landholdings on the southern side of North Burgess 8th Conc. Access to the retained lands is from Ferrier Road.

The lands are accessed via North Burgess 8th Conc., a municipally maintained road.

Soils Inventory – Name: Monteagle
- Stoniness: very stony
- CLI: 7 – severe limitations
- 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 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 – June 21, 2010**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

B10/060

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 a copy of the deed/transfer for the property.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
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

- *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.*

B10/061

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 a copy of the deed/transfer for the property.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
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

- *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.*

B10/062

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 a copy of the deed/transfer for the property.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.

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

- *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: Andrew Thompson

Hearing Date: February 22, 2010

Re-convened Hearing: June 21, 2010

Agent: n/a

LDC File #: B09/133

Municipality: Tay Valley Township

Geographic Township: South Sherbrooke

Lot: 7 **Concession:** 2

Roll No. 0911 914 015 20104

Consent Type: relocate r-o-w

Purpose and Effect:

The purpose of the application is to relocate the existing right-of-way, locally known as Farren Lake Lane 31. This application is a continuation of the relocation that was undertaken by Ian Peddie under Application B08/044. The proposal will accomplish:

1. Creation of a new private road / right of way at the rear of the Thompson property, south end of 27R3154 parts 8, 9 and 10 – shown as “B” on the sketch.
2. Elimination of existing Right of Way: Part 9 – 27R3154 – shown as “A” on the sketch.
3. Creation of a new private road over existing Right of Way: Part 7 – 27R1373 – shown as “C” on the sketch.
4. Elimination of existing travelled lane – shown as “E” on the sketch.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
n/a		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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 on 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 Development Policies, Section 3.6 Rural Policies, Section 4.5 Private Roads, section 5.2.3 Land Division – Consent Policies
Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 5.2 Seasonal Residential 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
- Minimum width of 9 m for the relocated right-of-way.

NOTES:

Portions of the existing right-of-way (private road) which are not currently travelled are to be released, and replaced with a new relocated right-of-way that reflects the location of the existing roads that currently do provide access to waterfront properties. The relocation of the right-of-way is not interpreted as the creation of a new private road.

The relocation is further from the lake. The relocated right-of-way is located such that it will no longer bisect the waterfront lot, and will continue to provide access to existing waterfront properties.

Conservation Authority – Rideau Valley Conservation Authority

The subject application for consent has been reviewed by the Rideau Valley Conservation Authority (RVCA). The application involves the relocation of a private road (Farren Lake Lane 31). A portion of the proposed ROW is in a low lying area and there was standing water at the time of the inspection. The ROW will relocate access to the south behind the existing lot lines of the established waterfront properties.

During our inspection and report on a previous severance (Peddie B08/044) we noted that there is a watercourse flowing into Farren Lake on the eastern side of the ROW. The area to the west of the ROW does not appear hydraulically connected as the road has fragmented this low lying area. This is a seasonal wet area with wetland indicator species such as willow, ash and sedges. We could not find a culvert on the existing ROW that would link the two wet areas. As it is not directly connected to the lake we are *not* recommending the completion of a technical report to address issues related to fish habitat. The proposed ROW does not impact any identified watercourses and wetlands. A net environmental gain (possible creation of seasonal fish habitat and reconnecting wet areas) could be achieved by removing a portion of the old ROW to allow the wet areas on the east and west side to be connected as the east side discharges directly to the lake. Although no permit is required for this work the RVCA should be consulted prior to any work to discuss methodology and timing etc...

The RVCA has no objection to the relocation of ROW. The Township should be satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law.

Thank you for providing the opportunity to the Conservation Authority to review this proposal. We would also appreciate being advised of any change or decision in the status of the application.

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

The applicant is proposing to relocate a ROW and eliminate and relocate a travelled lane to a pre-existing ROW.

The proposed severance will have no impact on any existing or future septic systems at 756 Farren Lake Lane 31 or neighbouring properties.

The Mississippi – Rideau Septic Office recommends granting this severance provided all development takes place according to applicable regulations.

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

(c) **PLANNING REVIEW**

As outlined in the purpose and effect the proposal has been submitted to relocate the existing right-of-way locally known as Farren Lake Lane 31.

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

Although there were no objections raised by any of the agencies which were circulated regarding this proposal, consideration should be taken to deferring 'provisional consent' until after application B08/044 has been completed (Lapsing Date May 15, 2010). This will also ensure the 'linkage' between part "D" on the sketch and "B" on the sketch.

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, once B08/044 has been finalized.

Proposed conditions have been provided, however staff recommend that the decision be deferred.

(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:

Ian Peddie – January 7, 2010

I received the Notice of Application for Consent in which Andrew Thompson is requesting approval to move the Right of Way to the back of his property and to intersect with the proposed road per my application B08/044.

I am requesting that this application be deferred until both parts of my application are complete and approved and registered on title. Currently the travelled lane shown as "E" on the sketch is the legal right of way for the property owners to the east of Andrew Thompson. It is necessary to have their agreement to the new road being the right of way. Also, the construction of the road where "B" intersects with "D" will not be completed until the spring.

Mark Thompson – January 14, 2010

I have reviewed the Notice of Application for Consent to relocate a private right of way locally known as Farren Lake Lane 31.

The proposed relocation as shown on the sketch "B" seems appropriate and suitable. It places the relocation at the southerly or rear of the lots in question so as to line up with an existing right of way shown as Part 7 - "C".

It moves the access to my property (Part 1 Plan 27 R1193) and lands to the west of me to the rear of my land rather than over the 'travelled lane' through the middle of my land. It thus frees my land which was almost cut in half by the 'travelled lane'.

Evelyn Murray - January 14, 2010

I own Part 4, Plan 27R-1804 and am in receipt of the Notice of Application for Consent to relocate a private right of way locally known as Farren Lake Lane 31 as set out in the accompanying materials received from the office.

Under the proposed relocation I would get access to my land by a new right of way at the rear or south of my lands (Part 7 – “C”) and over the land marked “B” on the sketch.

This is preferable to me rather than having neighbours and myself using a ‘travelled lane’ which cuts through my lands. It frees up the property that the lane now takes over a corner of my property. Therefore I agree with the proposed route.

(e) MINUTES – February 22, 2010

Andrew Thompson, owner / agent, attended the hearing and gave evidence under oath.

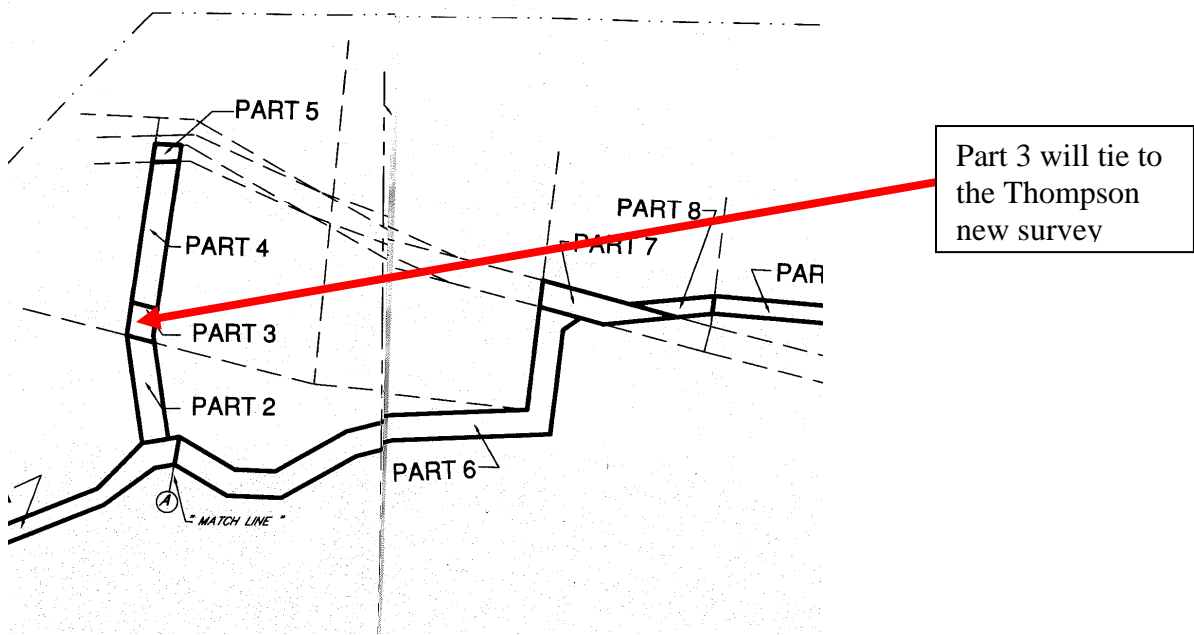
The chair reviewed the staff report with the applicant and noted that B08/044, Peddie has not been completed at this time, therefore there is some risk involved should the committee approve this application without further investigation re: continued rights of others.

Moved by C Tyson and Seconded by D Murphy.

THAT B09/133, Thompson be deferred until March 22, 2010 to provide time to develop appropriate conditions to address continued R-O-W access for all the users. Cd.

(f) ADDITIONAL INFORMATION

Application B08/044 Peddie has now been completed and the survey plan finalized. The Plan provided a separate Part on the Plan which will tie into the Thompson proposal.



In light of the foregoing, this office is now satisfied that the applicant's proposal maintains the general intent and purpose of the PPS and Community Official Plan for Tay Valley Township and could be given favourable consideration.

(g) MINUTES – June 21, 2010

Andrew Thompson, applicant, Ian and Elizabeth Peddie, adjacent landowners, attended the hearing and gave evidence under oath.

Mr. Peddie requested clarification that the existing r-o-w across Mr. Thompsons land would be released.

The Chairman asked if Condition (No. 3) would be satisfactory and Mr. Peddie agreed.

(h) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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 deed of land required by condition #1 above shall recognize any easements that currently exist.
4. The deed of land required by condition #1 above shall release any rights-of-way and / or easement currently existing over the lands owned by Andrew Thompson in exchange for the new right-of-way.
5. The reference plan required by condition #1 above shall provide for a minimum right-of-way width of 9 metres.
6. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
7. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.

8. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
9. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
10. A letter shall be received from Tay Valley Township stating that condition #4 to #8 has been fulfilled to their satisfaction.

NOTES:

- *Rideau Valley Conservation Authority advises that prior to commencement of any works, that they be consulted to discuss methodology, timing, etc.*
- *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.*