



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, October 18, 2010 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and C. Tyson

Members Absent: D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2010-032

MOVED BY: C. Tyson
SECONDED BY: R. Strachan

"THAT, the minutes of the Land Division Committee meeting held on September 27, 2010 be approved as circulated."
ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2010-029

MOVED BY: R. Strachan
SECONDED BY: C. Tyson

"THAT, the agenda be adopted as circulated."
ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

6.1 MMAH – notice of new regulations for On-Site Sewage Maintenance Inspection – changes to the Building Code.

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.:

7.1.1 **B10/ B09/106 – Jim and Jill Laramie R-O-W**

Pt Lot 11 Conc. 6, geographic Township of North Burgess, now in Tay Valley Township. (Hanley Lane)

7.1.2 **B10/094 – H. Garfield Ennis – new Lot**

Pt Lot 17/18 Conc. 10, geographic Township of Bathurst, now in Tay Valley Township.(Ennis Road).

7.1.3 **B10/107 – William Fisher – lot addition**

Pt Lot 3 Conc. 8, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley.(Glenview Road).

7.1.4 **B10/109 – Charles Dietrich - new lot**

Pt Lot 14 Conc. 2, geographic Township of Lanark, now in the Township of Lanark Highlands. (Dobbie Road).

7.1.5 **B10/114 – Charles Temple and Sue Snyder - new lot and R-O-W**

Pt Lot 6 and 7 Conc. 8, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Ferguson Road).

7.1.6 **B10/118 and B10/119 – Douglas Dowdall - 2 new lots**

Pt Lot 3 Conc. 2 Township of Beckwith. (Gillies Side Road).

7.1.7 **B10/120 – G.E. Edey Construction Ltd – new Lot**

B10/121 – Nora Edey - lot addition

Pt Lot 21 Conc. 10, Township of Beckwith. (Highfield Cres).

7.1.8 **B10/122 – Mark Thompson – realignment of R-O-W.**

B10/123 – Ian Peddie realignment of R-O-W

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

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 B10/110 – Estate of Grace Dobbs – new lot
Pt Lot 7, 8, 9 and 23 Compiled Plan 3389, Town of Carleton Place (Lake Ave East).

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

None

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B10/ B09/106 – Jim and Jill Laramie R-O-W

10.1.2 B10/094 – H. Garfield Ennis – new Lot

10.1.3 B10/107 – William Fisher – lot addition

10.1.4 B10/109 – Charles Dietrich - new lot

10.1.5 B10/114 – Charles Temple and Sue Snyder - new lot and R-O-W

10.1.6 B10/118 and B10/119 – Douglas Dowdall - 2 new lots

10.1.7 B10/120 – G.E. Edey Construction Ltd – new Lot
B10/121 – Nora Edey - lot addition
Concurrent applications.

10.1.8 B10/122 – Mark Thompson – realignment of R-O-W.
B10/123 – Ian Peddie realignment of R-O-W
Concurrent applications.

10.1.9 B10/110 – Estate of Grace Dobbs – new lot

11. UPCOMING MEETINGS

Friday, November 19, 2010 @9:00 a.m.; and
Monday, December 20, 2010 @9:00 a.m.

12. ADJOURNMENT – 11:00 a.m.

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

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Laramie, Penfold-Laramie, Penfold, Towaij **Hearing Date:** October 18, 2010
Agent: Jim Laramie
LDC File #: B09/106
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 11 **Concession:** 6
Roll No. 0911 911 010 05604 **Consent Type:** relocation of R-O-W
0911 911 010 05600

Purpose and Effect: to relocate an existing right-of-way.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	R-O-W	Residential
Area	642 sq.m.	.55-ha
Frontage	6 m	61 m
Depth	107 m	90 m
Road - Access to	Private R-O-W	Private R-O-W
Water Supply	None	Private Well
Sewage Disposal	None	Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Limited Services Rural	Limited Services Rural
-Area Required (min.)	n/a	0.405-ha
-Compliance?		Yes
-Frontage Required (min.)		60 m
-Compliance?		Yes
-Depth Required (min.)		n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 2 General Development Policies, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division Policies

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

Zoning By-law - Section 3 General Provisions, Section 5.3 Limited Services Residential
Tay Valley Township advises that the proposal complies with the zoning by-law regulations. However, the instrument of implementation of the Zoning By-law, the Site Plan Control Agreement, must be amended to reflect the re-located road.

(b) AGENCY REVIEW

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

Tay Valley Planner's Report

This application was deferred until an Environmental Impact Statement could be undertaken to determine if the road constructed without amendment to the Site Plan Control Agreement would have a significant impact on a portion of a wetland connected to Long Lake as per sections: 5.2.2.9 Land Division; 1.3.3.18 Objectives of the Plan; 3.4 Natural Heritage; and 2.23.2.4 Storm Water Management.

The Environmental Impact Statement (615) by McIntosh Perry identified the wetland as Pike spawning habitat with Dace, Mud minnow, Stickleback and Lepomis sampled. The 613 identified 2.5% (600 m²) of the wetland as removed by the road construction and a further 3.5 % (840 m²) isolated into two separate areas with culverts. The EIS concluded that the wetland capacity had not been significantly reduced and that removal of the roadway would cause additional disturbance.

Glen MacDonald, RVCA, has stated verbally that the RVCA do not want to create further disturbance by removing the road or digging trenches/pools. Therefore, the provisions of the Official Plan are satisfied.

The EIS has demonstrated that the proposal is consistent with the Provincial Policy Statement section 2.2.1.d and 2.1.5.

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(s)
- 2 copies of the reference plan.
- The site Plan Control Agreement be amended to reflect the location of the new road.
- No person, who currently has right of access across the subject lands or previous right of way claims to be negatively impacted by the proposed new right of way.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority previously commented to the Land Division Committee on this mailer in a letter dated October 16, 2009. The application is for the purpose of creating a right-of-way to provide access to two properties on Long Lake.

The road in the proposed right-of-way was constructed through a lacustrine wetland (non- Provincially Significant) in advance of consideration of the proposal by the

Conservation Authority. We reserved comment on the consent application until such time as the impact of the road construction on the wetland form and function had been assessed. A report entitled "Environmental Impact Statement Proposed Development on Part Lot 11, Concession 6 Tay Valley Township, Ward of North Burgess, Ontario" McIntosh Perry Consulting Engineers Ltd., August 2010, has been submitted in support of the application. The environmental impact statement (EIS) was prepared "after the fact" and as such, the consultant had limited opportunity to assess existing conditions within the right-of-way. The characterization of existing conditions is based on an assessment of the broader wetland within the immediate local and regional landscapes. We note the following observations/conclusions in the report with respect to the wetland:

- Long-term surface water storage that provides habitat (food, nesting and cover) for amphibian, reptile and fish species.
- In addition to four fish species observed, likely pike spawning habitat throughout.
- Road has resulted in isolation of two wetland communities on the east side of the road.
- Water flow and possible fish movement through the culverts under the road.
- Northern Map Turtle (species of special concern) and Eastern Musk Turtle (threatened species) likely present in Long Lake adjacent to the wetland.
- Eastern Ribbon Snake (species of special concern) and the Gray Ratsnake (threatened species) are likely present in the vicinity of the site.
- Total wetland area is 24,000 m².
- 600 m² of wetland permanently lost due to road construction — this translates into a 600 m² loss of fish habitat.
- 840 m² of wetland isolated on east side of road.
- Contributes to cumulative loss of non-PSW's and their function with respect to runoff attenuation, drought mitigation and depletion of groundwater resources.
- Removal of the road will cause additional disturbance to the wetland and its aquatic and terrestrial habitats.

The Conservation Authority does not disagree with the findings of the EIS. Although the construction of the road had adverse environmental impact, particularly with respect to tile loss of fish habitat, its removal and construction elsewhere would likely result in additional disturbances and impacts with little, if any, net environmental gain. Although the EIS suggests that additional works could be done to connect the deepwater channels to the isolated wetland culverts and to create deepwater pools adjacent to the roadway for additional habitat, the environmental value of these works has to be considered relative to the potential impact of the additional disturbances. It is our opinion that the site should be left to regenerate naturally without any more human interventions.

In conclusion, the Rideau Valley Conservation Authority has no objection to, or conditions of approval for the consent application to create the right-of-way as shown on the sketch appended to the application. However, we would take this opportunity to note that given the concerns previously expressed during our review of the original consent, site plan and rezoning applications, it is difficult to understand how the proponents could have interpreted any of the previous discussions and correspondence to suggest that constructing a road through the wetland, without preconsulting the appropriate environmental agencies, would be a prudent course of action. This is in no way intended to diminish the significance of the safe access/egress issue for emergency vehicles. However it would have been preferable to consider options for the road alignment, with a view to minimizing adverse environmental impact and to take advantage of opportunities to mitigate impacts that were otherwise unavoidable.

The Conservation Authority's position on this matter should not be interpreted as how we will respond to similar applications in the future. Through our memorandum of understanding with the Department Fisheries and Oceans, we have a responsibility to ensure that development does not have adverse impact on fish and fish habitat. In keeping with the applicable legislation and related policies (including the Provincial Policy Statement and local official plans), we make every reasonable effort during application review to ensure that development does not have an adverse environmental impact. When development proceeds in advance of the necessary review and approvals, it diminishes our collective desire to conserve and protect the overall health and function of our lake, stream and wetland systems.

Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority.

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

Please also see septic comment S03-04-7 - September 26, 2006, septic comment S02-05-05 - August 30, 2007 and septic comment S04-05-06 - September 24, 2007 by the Mississippi-Rideau Septic System Office.

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

The purpose of the application as understood by this office is to transfer 0.0642 hectare parcel of property from 4041 Hanley Lane and 4047 Hanley Lane to form a right of way (ROW) for the benefit of Dr. and Mrs. Towaij, 4055 Hanley Lane.

The Mississippi-Rideau Septic System Office has no objection to this ROW application as proposed as it pertains to Part 8 of the Ontario Building Code.

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, 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.

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

(c) PLANNING REVIEW

The applicant proposes to re-locate an existing r-o-w, locally known as Hanley Lane. The r-o-w provides access to three properties (Laramie, Penfold and Towaij). The proposal also requires the relinquishment of the existing r-o-w.

The subject lands are located in an area characterized by wetlands and rough terrain. The roadway was re-located prior to the consent process and without the necessary pre-consultation and permits.

Through the consent review process, Tay Valley Township requested that an Environmental Impact Statement be undertaken to address the wetland, fish habitat and

storm water management. An EIS was undertaken by McIntosh Perry consulting Engineers Ltd in August 2010 and concluded the following:

Enhancement Measures:

- *Connect deepwater channels to isolated sections of the wetland culverts to allow any trapped fish an avenue of escape.*
- *Deepwater pools could be excavated adjacent to the road way and woody debris or large boulders installed to provide additional habitat within the wetland.*

Conclusion:

The wetland capacity has not been significantly reduced by the loss of 2.5% of the overall wetland area in a drier portion of the wetland. The loss of fish habitat was not significant as it is primarily seasonal, and pike spawning habitat within the wetland is not limiting. The loss of fish habitat was approximately 600m² of seasonal fish habitat in the form of sedge and cattail tussocks/hummocks. Removal of the roadway will cause a disturbance once again to the wetland and fish habitat contained within it. The wetland function would, with time, be restored to its original conditions should the roadway be removed.

The EIS was reviewed by the Conservation Authority, recommendations and conclusions are noted above.

The lands are within 300 m of a Primary Water Source (Long Lake) therefore are subject to possible "Archaeological Potential". However, as the work has already been undertaken a note on the provisional consent would be redundant.

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 – October 18, 2010

No person 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. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. 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.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. The applicant shall amend the existing "Site Plan Agreement" with Tay Valley Township.
8. A letter shall be received from Tay Valley Township stating that condition #3 through #7 has been fulfilled to their satisfaction.

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

Official Plan – Section 2 General Development Policies, Section 2.21 Natural Heritage Features, 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 Planner's Report

Official Plan - Applicable Sections: 3.6.2 Rural designation - permits residential use. 2.19. 2 Organic soils — requires development to occur outside of the wet soils. These are located at the back of the property away from the proposed residence. 5.2.3.4 Consent - requires lots to have frontage on a public road. The proposed severed lot and the proposed retained lot will have sufficient frontage on Ennis Road, a publicly maintained forced road. Section 2.17.2 Development where Agricultural and Non-agricultural Uses are Adjacent requires a minimum separation distance between barns and residences, however, no barns appear to be in the area.

Zoning By-law - Applicable sections: 10.1.1 - Residential use is appropriate. 10.1.2 - Lot area of 1 ha is met for both the proposed severed and retained lots (9.8 ha and 43.2 ha respectively). Frontage on a public road of 60 m is met for both the proposed severed and retained lots (approximately 225.3 m and 400+ m respectively).

Mississippi Valley Conservation Authority will likely request that unclassified wetlands at the back of the retained and severed parcels remain undisturbed.

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
- Tay Valley Township may require road widening at the determination of the Superintendent of Public Works.
- Parkland contribution of \$100.00

Advisory Note:

- Natural drainage patterns on site should not be disturbed, unclassified wetlands to remain undisturbed.

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 applicant proposes to sever one vacant building lot of 9.8 ha in size and to retain a vacant 43.2-ha parcel of land.

According to a review of the available GIS mapping, an unnamed tributary of the Fall River travels through the subject property. This tributary is surrounded by wetland. No other natural heritage features or natural hazards were identified.

MVC does not have any objection to the subject application provided that the following mitigative measures are implemented for future development on the subject lands:

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

The property owner should be advised that in the event shoreline work is proposed, written permission is 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 wetland or tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat.

Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

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

The purpose of the application as understood by this office is to sever a 9.8 ha parcel as identified on the survey provided by McIntosh Perry Surveying INC from the retained parcel of 43.2 ha. Both the retained and the parcel to be severed are vacant.

The Mississippi-Rideau Septic Office is supportive of this application for consent. The severance as proposed will not impact the existing septic system on the retained parcel and will not prevent an OBC compliant system from being constructed on the proposed served parcel.

All new septic systems should be located >30 meters from the high water mark (By-Law No. 02-121, section 3.26) and respect all required Ontario Building Code setback and construction requirements.

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

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 9.8-ha residential building lot and retain a 43.2-ha vacant landholding. All the lands are currently vacant.

One lot was severed from the original parcel of land in 1977, prior to the “Consent Date - January 1986” of the Township’s Official Plan.

The subject lands are located in an area characterized by Residential on large landholdings along Ennis Road. Smaller residential and seasonal residential parcels are located along the northern side of Ennis Road, adjacent to Bennett Lake. The lands in the north east corner of the lot a zoned Industrial.

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

Soils Inventory – Name: Monteagle

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

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – October 18, 2010**

No person 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. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
3. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
4. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
6. Sufficient lands shall be deeded to Tay Valley Township 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.
7. 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).
8. A letter shall be received from Tay Valley Township stating that condition #2 through #7 has been fulfilled to their satisfaction.

NOTES:

1. *MVC advises that the following mitigative measures are implemented for future development on the subject lands:*
 - *Future development on the subject property shall be setback a minimum of 30 metres from the seasonal high water mark of the tributary and the surrounding wetland.*

- *Shoreline vegetation shall be retained to a minimum depth of 15 metres.*
 - *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the tributary, wetland or onto adjacent properties.*
2. *The applicant is also advised that in the event shoreline work is proposed, written permission is 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 wetland or 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.*
 4. *The Mississippi-Rideau Septic System Office advises that all new septic systems should be located >30 meters from the high water mark (By-Law No. 02-121, section 3.26) and respect all required Ontario Building Code setback and construction requirements.*
 5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
 6. *The applicant is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. And 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.*
 7. *Tay Valley Township advises that natural drainage patterns on site should not be disturbed, unclassified wetlands to remain undisturbed.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William R. Fisher **Hearing Date:** October 18, 2010
Agent: N/A
LDC File #: B10/107
Municipality: Township of Drummond/North Elmsley
Geographic Township: North Elmsley **Lot:** 3 **Concession:** 8
Roll No. 0919 908 010 43507 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 1,853 sq.m. parcel of land as a lot addition to lands owned by Gordon Fisher and retain a 39-ha residential landholding (Glenview Road).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential & Outbuildings
Proposed Use	Storage building	Residential & Outbuildings
Area	1,853 sq m	39 ha
Frontage	none	772 m
Depth	Irregular	538 m
Road - Access to	Municipal Rd	Municipal Rd
Water Supply	N/A	Private Well
Sewage Disposal	N/A	Private Septic
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 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 of Drummond/North Elmsley – recommends approval of this application subject to the following conditions:

- The balance of any outstanding taxes and fees 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 – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application for the severance of a 1853 sq.m. parcel of land that will be conveyed as a lot addition to the adjacent landowner. The 39 ha retained parcel has a residence and out buildings situated on it.

We have undertaken our review within the context of Sections 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act and from the perspective of Conservation Authority regulations under Section 28 of the Conservation Authorities Act. We offer the following comments for the Committee's consideration.

We have not identified any natural heritage or natural hazards issues that would otherwise preclude the approval of this application.

We note that the Cando Campbell Municipal Drain flows through the retained lands. Although we do not require any conditions of approval on the consent application, we respectfully request that the following note be included in the Committee's decision:

The Cando Campbell Municipal Drain, which flows through the retained lands, is subject to the "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation (Ontario Regulation

174/06) under Section 28 of the Conservation Authorities Act The regulation requires that the owner obtain the written approval of the Rideau Valley Conservation Authority prior to straightening, changing, diverting or interfering in any way with the channel of the drain. Any applications received in this regard would be assessed within the context of approved policies of the administration of the regulation, including those for the protection of fish habitat.

Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – An irregular shaped agricultural piece of land with an existing barn/storage building to be added to an existing residential parcel. An addition to an existing lot only.

Retained – A 39 hectare (96 acres +/-) parcel of land with an existing house serviced by a well and septic system. There are various outbuildings on parcel. Additional sandy loam fill may be required in the area of the future replacement tile bed.

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

(c) PLANNING REVIEW

The applicant proposes to sever 1853 sq.m. parcel of land as a lot addition to lands owned by Gordon Howard and Susan Margaret Fisher (928 Glenview Road) at Pt Lot 3 Conc. 7 North Elmsley, being Part 1 on RP27R-6112, now in the Township of Drummond / North Elmsley. The application will retain a 39-ha landholding with and existing dwelling and outbuilding.

The subject lands are located in an area characterized by Rural Residential on large landholdings along Glenview Road and Armstrong Road with intermittent smaller residential lots. A licenced pit is located approximately 600 m north of lands.

The lands to be enlarged at accessed via Glenview Road, a municipally maintained road.

Soils Inventory – n/a

The Provincial Policy Statements requires that in rural areas located in municipalities development that is compatible with the rural landscape and can be sustained by rural service level should be promoted. The enlargement of an existing residential lot is appropriate in the rural area. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – October 18, 2010**

No person 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.

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 Gordon Howard Fisher and Susan Margaret Fisher described as Part 1, Reference Plan 27R-6112, Part Lot 3 Conc. 8, geographic Township of North Elmsley, now in the Township of Drummond / 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

1. *The Cando Campbell Municipal Drain, which flows through the retained lands, is subject to the "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation (Ontario Regulation 174/06) under Section 28 of the Conservation Authorities Act. The regulation requires that the owner obtain the written approval of the Rideau Valley Conservation Authority prior to straightening, changing, diverting or interfering in any way with the channel of the drain. Any applications received in this regard would be assessed within the context of approved policies of the administration of the regulation, including those for the protection of fish habitat.*

2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the area of the future replacement tile bed on the retained lands.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Charles Dietrich **Hearing Date:** October 18, 2010
Agent: N/A
LDC File #: B10/109
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 14 **Concession:** 2
Roll No. 0940 934 010 11800 **Consent Type:** New Lot

Purpose and Effect: To sever 1.6-ha residential building lot and retain a 38.8-ha landholding with an existing dwelling, farm building and other outbuildings located at 453 Dobbie Road. The lands to be severed are accessed via Dobbie Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Farm/Retreat/B&B
Proposed Use	Residential	Same
Area	1.6 ha	38.8 ha
Frontage	91.4 m	914.4 m
Depth	274.32 m	457.2 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	Private Well
Sewage Disposal	Private Septic	Private Septic
Official Plan Designation -Conformity?	Rural and PSW Yes	
Zoning Category	Rural	Rural and Environmental Protection
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 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 Growth and Settlement, section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 5 Cultural Heritage and Archaeological Resources, 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 6.0 Rural Zone, Section 17.0 Environmental Protection Zone.

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

(b) AGENCY REVIEW

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

Lanark Highlands Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot on the lands legally described as Part Lot 14, Concession 2, former Township of Lanark now in the Township of Lanark Highlands. The lands front on Dobbie Road a Township Road.

The applicant wishes to sever approximately 1.6 ha (4 acres) of land with frontage of 91 metres (300 feet) to create a new lot for residential purposes. The proposed retained lands will have 914 metres (3000 feet) of frontage on Dobbie Road, and an area of approximately 38 hectares (96 acres).

The property is designated as Rural and Provincially Significant Wetland on Schedule A 4 of the Township's Official Plan and zoned Rural and Environmental Protection on Schedule A 4 by Zoning By-law 2003-451. The proposed retained lot currently functions as an organic farm, Bed and Breakfast retreat. There is a dwelling and numerous outbuildings and accessory structures. At present the proposed severed lot is vacant. A residential use is proposed.

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.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The Dietrich proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. The proposed lots have access on Dobbie Road which will not require any improvements if a new lot is approved. As such no new municipal infrastructure will be necessary by means of this application.

The policy statement also encourages economic opportunities within the rural area. The proposed retained lot currently functions as a bed and breakfast and retreat along with an organic farm. These activities are appropriate in the rural area.

Section 2.0, Wise Use and Management of Resources, protects all natural heritage features from adverse impacts. As the lands are designated as a Provincially Significant Wetland the applicant needs to demonstrate through an Environmental Impact Statement (EIS) that the resource will not be impacted if the proposal moves forward and a new lot created. Mr. David White has undertaken an EIS for the applicant. Mr. White attended on site on July 3, 2010 and observed that although the mapping indicates the lands are within the PSW and are within the limits of the 120 metre adjacent land limit Mr. White concludes that species identification and onsite observations demonstrate that the actual boundary of the wetland is on the opposite side of Dobbie Road. In addition, Mr. White indicates that there are no species at risk or concern on the lands. As such he concludes that from a life science perspective the additional lot will not adversely impact the PSW and the proposal can be supported. The application can meet the consistent with test of the Provincial Policy Statement.

Official Plan

The subject lands are designated Rural and Provincially Significant Wetland on Schedule 'A 4' of the Township of Lanark Highlands Official Plan. The rural designation allows for low density development consisting of residences along the existing roadways and

waterways. The lands designated as PSW do not allow for development and the lands within 120 metres of that designation require an EIS to demonstrate no adverse impact to the wetland. Discussed in section 2.0 of this report.

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 and has demonstrated no adverse impact will result to the PSW if the application is approved.

Zoning

The lands are zoned Rural and Environmental Protection on Schedule 'A 4' of Zoning By-law 2003-451. The proposal meets the performance standards of the rural zone of zoning by-law 2003-451. No new development is permitted within the limits of the Environmental Protection zone. The applicant will need to demonstrate that the proposed building is outside of the EP zone by means of a building location survey that identifies building envelope and undertake site plan control in order to identify the allowable building envelope to subsequent buyers of the lands.

Discussion

The application as submitted is consistent with the PPS and Official Plan policies. The applicants sketch appears to locate the proposed severed lot outside of the boundary of the Environmental Protection zone although this will have to be confirmed prior to final approval. The proposal meets the requirements and performance standards of the rural zone. 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. That the Building Location Survey illustrates a developable envelope outside of the limits of the Environmental Protection Zone and that this is registered on title through means of a Site Plan.
4. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
5. That the applicant pay any outstanding fees to the Township prior to final approval.
6. That the applicant pay the cash-in-lieu of parkland dedication fee of 5% to the Township.

7. That the applicant provide any required road widening to the Township at no cost to the Township.

Conservation Authority – Mississippi Valley Conservation

The subject application has been reviewed by the Mississippi Valley Conservation (MVC) in terms of MVC regulations and MVC and Provincial Planning Policy for natural hazards (unstable soils or slopes, areas prone to flooding or erosion) and natural heritage features (including wetlands, wildlife habitat and areas of natural and scientific interest). We offer the following comments for the Committee's consideration.

The proposal involves the severance of a vacant 4 acre parcel from the southwest corner of a 100 acre parcel, leaving a 96 acre retained parcel that already contains a residence and various accessory structures.

Wetland mapping provided by the Ministry of Natural Resources (MNR) indicates that the Hopetown Provincially Significant Wetland extends into the west corner of the retained parcel, with the result that the proposed severed parcel would fall within the 120 metre adjacent lands. If correct, this would trigger the requirement for an Environmental Impact Statement (EIS) to determine that the proposed development will have no negative impact to the wetland and its functions.

A review of MVC's 2009 aerial photography (Drape imagery) as depicted on the attached mapping shows that the wetland mapping is inaccurate. The area shown as wetland on the subject property is cleared agricultural land that does not demonstrate the biophysical features (organic soils, dominant wetland plant species) that are characteristic of a wetland. Our site inspection confirmed that those standard wetland indicators are not present on the property. The boundary of the provincially significant wetland is confined to the west side of Dobbie Road and does not extend into this property. It is therefore our opinion that the proposed severed parcel is located well outside of the 120 m adjacent lands and an EIS is not required. MVC will advise staff at MNR Kemptville District office of the inaccuracies in the wetland mapping.

We note that a small watercourse transects the rear (north) corner of the proposed severed parcel. There is sufficient area to accommodate the 30 metre setback as required under Section 4.32.6 of the Township of Lanark Highlands Zoning By-law and as such, a Development Agreement condition to implement the setback is not required.

Based on the above, we have no objection to the application provided that the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of this application.

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

Severed – A vacant, approximately 4 acre lot with open field and bush areas. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – An existing house serviced with a well and septic system. There are various outbuildings. Property is 96 acres. Additional sandy loam fill may be required in area of future replacement tile bed.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.6-ha residential building lot and retain a 38.8-ha landholding with an existing dwelling and several outbuildings. The lands are accessed via Dobbie Road, a municipally maintained road.

The subject lands are located in an area characterized by Residential, Farm and Vacant on large landholdings along Dobbie Road. There are also a very limited number of small residential building lots.

As indicated on the Township's Official Plan, a PSW (Hopetown Wetland) is located on the property. In accordance with the OP an Environmental Impact Study was conducted, which concluded that the mapping was in error, and the actual boundary of the wetland is on the west side of Dobbie Road (see sketch). The MVC has reviewed the EIS and concur with the findings.

Adjacent lands to the west, is an existing farming operation. An MDS calculation was completed, which requires a 250 m setback from the livestock facility. The facility is located approximately 360 m from the proposed building envelope. An abandoned barn is located on the retained lands and is currently used for storage and workshop (stalls and stanchions removed) (see sketch). However, a caution should be included, if approved, that the lands are in proximity of an agricultural operation and may be susceptible to noise, smells, etc from the agricultural operation.

The Provincial Policy Statements encourages economic opportunities within the rural area. The proposed retained lot currently functions as a "Bed & Breakfast, Retreat Centre and Organic Farming Operation". These activities are appropriate in the rural area. The severed lands are larger than required by the Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

As noted by the MVC, the wetland boundary of the Hopetown Wetland (PSW) in incorrectly shown on the Township's Official Plan Schedules. And therefore no Environmental Impact Assessment is required for the development of the proposed lot.

Soils Inventory –

Severed Lands - Name: North Gower	Retained Lands - Tennyson
- Stoniness: non stony	- Slightly
- CLI: 2 – moderate limitations	- 3 moderately
severe	
- Drainage: poor	- well drained
- Hydrogeology: high runoff	- moderate runoff

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 – October 18, 2010

No person 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.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.

7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. 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).
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 the Township of Lanark Highlands stating that condition #3 though #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill / imported fill may be required in the septic system area.*
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 lands to be severed 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 Lanark Highlands will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Estate of Grace Dobb

Hearing Date: September 27, 2010

Reconvened Hearing: October 18, 2010

Agent: Catherine Kryczka

LDC File #: B10/110

Municipality: Town of Carleton Place

Geographic Township:

Lot: 7, 8, 9 & 23

Compiled Plan: 3389

Roll No. 0928 030 050 01600

Consent Type: New Lot

Purpose and Effect: To sever an 859.23 sq.m. residential building lot and retain a 1718.46 sq.m. lot with an existing dwelling (240 Lake Ave E.). The lands are accessed via Lake Ave East.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	859.23 sq m	1718.46 sq m
Frontage	15.24 m	30.48 m
Depth	56.38 m	56.38 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Municipal	Municipal
Sewage Disposal	Municipal	Municipal
Official Plan Designation	Residential	
-Conformity?	Yes	
Development Permit Category	Primary Residential	Primary Residential
-Lot Coverage (max.)	60%	60%
-Compliance?		
-Frontage Required (min.)	10.6 m	10.6 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

1.1.3 Settlement Areas

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

(b) AGENCY REVIEW

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

Town of Carleton Place – recommends approval of this application subject to the following conditions:

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
2. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
3. That the applicant provides a digital copy of the reference plan (in NAD83 datum);
4. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
5. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.
6. That a road widening be provided for Carmel Street in the form of property.
7. That building elevations for the severed lot be provided that demonstrate that the existing character of the neighbourhood is maintained.
8. That the applicant provides a landscape plan for the severed parcel to the satisfaction of the Town of Carleton Place.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever an 839.23 sq.m. residential building lot and retain a 1718.46 sq.m. residential lot with an existing dwelling.

The subject lands are located in an area characterized by typical urban development. This proposal is considered as infilling.

The lands are accessed via Lake Ave East, 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 Town of Carleton Place and could be given favourable consideration.

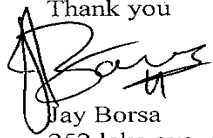
(d) PUBLIC INPUT

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

Aug.12/2010

To Whom It May Concern:

My name is Jay Borsa and I own the property at 252 Lake ave. East in the town of Carleton Place. It is a 65 to 70 yr old house which I have owned and lived in for approx 9 yrs. I am writing this in regards to the potential severance of Pt. lot 7,8,9 and 23 on Compiled Plan 3389 at 240 Lake ave. East in the town of Carleton Place. My property is adjacent to the potential severed lands and I have a major concern in regards to a right of way issue that the potential severance will cause. My laneway is adjacent and actually part of the potential severed property. Approximately 2 to 3 feet in width, the whole length of my laneway which is 94 feet from sidewalk to garage is part of the potential severed lands. Part of my concern is that the size of the lot will put the owners of the land in a position to legal build within 2 to 3 feet of the laneway (1.5 meters from the property line). Of greater concern is that I will loose the use of that 2 to 3 feet and I will not be able to park in my laneway, access to behind my house with a vehicle or be able to park in the garage which was originally built 1 foot from the property line. The laneway is original to the house and has not been altered on the severed land side but when I bought the house I dug out aprox. 1 foot closer to my house to widen it and can not dig out any closer to the house. I respectfully ask that the potential severance not be allowed but may I suggest the the rear of the property may be more suited to be severed with the severed property fronting on Carmel St. I also would like to be notified if there is a public meeting to be held and also notified of the decision that is made.

Thank you

Jay Borsa
252 lake ave. east
Carleton Place on.
K7c1j5

RECEIVED
LANARK
COUNTY

AUG 23 2010

Clerk's Department

(e) **MINUTES – September 27, 2010**

Andy and Catherine Kryczka, applicants and Joy Borsa, adjacent landowner, attended the hearing and gave evidence under oath.

Mr. Borsa expressed his concern with the loss of the use of a portion of his laneway which is on the Dobb property. He also advised that the use of the property was by a verbal agreement with the Dobbs.

Ms. Kryczka expressed concern that by giving Mr. Borsa a legal easement or r-o-w over this land may encumber the property and make it harder to sell.

The committee suggested that Ms. Kryczka obtain a plot plan by a qualified surveyor, showing the boundary between the Borsa and Dobbs property. This would confirm the location of the said driveway and the lands in question.

Moved D. Murphy and Seconded by C. Tyson

“**THAT**, application B10/110 be deferred to provide the applicant / agent an opportunity to review the adjacent property access issue with their estate solicitor.” **ADOPTED**

“

(f) **MINUTES – October 18, 2010**

No person attended the hearing.

Cathie Kryczka, agent, provided the following information:

This is to let you know that the surveyor has plotted the line between 240 Lake East and Jay Borsa's lot and confirmed that (as the old survey shows) there is adequate room for Jay to park and access his garage.

I won't be able to give Jay a right of way. I would have to leave the decision to whoever the new owner may be. A permanent decision like this is not for me to make on someone else's behalf.

Mr. Borsa has advised (by telephone) that he has seen the survey pegs, and believes he has sufficient driveway area, but is still concerned with snow removal.

(g) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
3. That the applicant provides a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
4. That the applicant provides a digital copy of the reference plan (in NAD83 datum).
5. That the applicant provides the Town of Carleton Place with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
6. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit by-law.

7. Sufficient lands shall be deeded to the Town of Carleton Place along the frontage along Carmel Street to meet the municipality's road widening requirements, at no cost to the Town. 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 Town Public Works Director should be consulted prior to commencing a survey to determine the amount of road widening required.
8. That building elevations for the severed lot be provided that demonstrate that the existing character of the neighbourhood is maintained.
9. That the applicant provides a landscape plan for the severed parcel to the satisfaction of the Town of Carleton Place.
10. A letter shall be received from the Town of Carleton Place stating that condition #2 through #9 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Charles Temple & Sue Snyder **Hearing Date:** October 18, 2010
Agent: Hah Burnham
LDC File #: B10/114
Municipality: Township of Lanark Highlands
Geographic Township: Dalhousie **Lot:** 6 & 7 **Concession:** 8
Roll No. 0940 004 035 04700 **Consent Type:** New Lot and R-O-W

Purpose and Effect: To sever a 10.4-ha landholding with an existing dwelling, farm buildings and other outbuildings located at 303 Ferguson Side Road and retain a 36-ha landholding with an existing maple syrup operation and log building. Both lots are accessed via Ferguson Side Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Sugar Camp
Proposed Use	Residential	Sugar Camp
Area	10.4 ha	36 ha
Frontage	396 m	220 m
Depth	310 m	
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	Private Well
Sewage Disposal	Private Septic	Private Septic
Official Plan Designation -Conformity?		Rural Yes
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 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 Growth and Settlement, section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 5 Cultural Heritage and Archaeological Resources, 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 6.0 Rural Zone, Section 17.0 Environmental Protection Zone.

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

(b) AGENCY REVIEW

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

Lanark Highlands Planner's Report

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

The property is located on Fergusons Side Road, and is legally described as Part Lots 6 & 7, Concession 8, former Township of Dalhousie, now in the Township of Lanark Highlands. The proposal is to create an additional residential building lot.

The applicant wishes to create a lot with approximately 396 metres (1,200 feet) of frontage and an area of 10 ha (24.7 acres). The remnant parcel will enjoy approximately 220 metres (720 feet) of road frontage and an area of 29 ha (73 acres). Currently constructed on the lands is a residence, a log building that functions as a sugar camp, some outbuildings and a barn. The applicant wishes to separate the residence from the sugarbush operation.

The property is designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. The lands are zoned Rural on Schedule 'A 2 of Zoning By-law 2003451. Surrounding lands are rural.

PROVINCIAL POLICY

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

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape. The province directs that development that is compatible with the rural landscape and can be sustained by existing rural services should be encouraged. Section 1.1.4, Rural Areas in Municipalities, outlines that economic opportunities should be promoted.

The lots are at present serviced privately and no new development is proposed at this time. There is sufficient road frontage for the proposal and the sugarbush operation will continue to function although will be transferred to a new owner if severance is approved. In my professional opinion the proposal is consistent with Official Plan policies.

OFFICIAL PLAN

The Temple lands are designated Rural on Schedule 'A 2' 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 the road networks. The intent of the Official Plan is to protect the rural setting and natural resources for their economic value.

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

The applicant is not proposing any new development by means of this application and the proposal as submitted complies with Official Plan directives.

ZONING

The lands are zoned Rural on Schedule 'A 2' of Zoning By-law 2003451. The proposed severed and retained lots will meet the requirements of the rural zone.

DISCUSSION

The application as submitted is consistent with the PPS, complies with the Official Plan and meets zoning and as such can be recommended for approval. The submitted plan also illustrates a right of way for access across the retained lands for the ongoing commercial operation to utilize existing internal laneways.

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

1. That the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
3. That the applicant provide the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchasers 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.

4. An acceptable reference plan or legal description of the severed lands and the deed or instrument shall be submitted to the township.

Conservation Authority - Mississippi Valley Conservation

A cursory review of the above noted applications revealed no issues with regard to Mississippi Valley Conservation's plan input and review program. We have therefore screened these applications out of our formal review process.

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

Severed –A 10.4 hectare property (approximately 25 acres) with an existing house serviced by a well and sewage system and various outbuildings. Additional sandy loam fill may be required in area of future replacement leaching bed.

Retained – A 36 hectare (88 acre +/-) parcel of land utilized as a sugar bush. Mainly treed, vacant property. Additional sandy loam fill may be required in area of future leaching bed area.

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

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

(c) PLANNING REVIEW

The applicant proposes to sever 10.4-ha landholding with an existing dwelling, outbuildings and barn, and retain a 36-ha landholding with an existing log building and sugarcamp.

The subject lands are located in an area characterized by Residential on large landholdings along Ferguson's Side Road. The hamlet of McDonald's Corners is located to the west and the Ferguson Mud Lake Wetland is located to approximately 300 m to the north west. The lands are outside the 120m influence area surrounding the PSW.

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

Soils Inventory – Name: Tweed

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

The Provincial Policy Statements encourages economic opportunities within the rural area. The proposed retained lot currently functions as a "Maple Syrup Operation". The severed lands are of sufficient size to accommodate a hobby farm type operation. These activities are appropriate in the rural area and are compatible with the rural landscape. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – October 18, 2010

Charles Temple, applicant attended the hearing and gave evidence under oath.

The Chairman reviewed the conditions with the applicant.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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. 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.
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. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. A letter shall be received from the Township of Lanark Highlands stating that condition #2 through #7 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in area of future replacement leaching bed on the severed lands and additional sandy loam fill may be required in area of future leaching bed on the retained lands.*
2. *The lands to be 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 Lanark Highlands will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*

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

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

Section 1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas.

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 4 General Policies, Section 4.5 Division of Land, Section 5 Community Development Areas, Section 5.1.1 Infilling, Section 7.3 Local Roads, Section 9.10 Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 5 Residential Zone

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

(b) AGENCY REVIEW

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

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

- That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
- That a paper copy of the registered reference plan be provided to the Township of Beckwith.
- That the location of entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.
- That the applicant removes the wind row of dirt from the front of the retained parcel to the satisfaction of the Township of Beckwith Public Works Superintendent.

Conservation Authority – Rideau Valley Conservation Authority

We wish to advise the committee that this application contains no matters that affect the Conservation Authority mandate or interests, We note for the information of the applicant that there is a watercourse (Bell Municipal Drain) on the retained parcel, Future development should be setback a minimum of 20 metres from this watercourse. Furthermore, the watercourse is subject to Ontario Regulation 174/06 “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” as administered by the Rideau Valley Conservation Authority. Any works affecting the banks or bed of the watercourse requires a permit from the RVCA.

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

Severed B10/118 – The severed portion is 2 acres and is intended for residential use. It is currently a field with some trees. Direction of flow appears to be southwest. There are areas of exposed rock and rock close to ground level.

Severed B10/119– The property is 2 acres and contains grassy and treed areas. Drainage appears to be south westerly. There are areas of exposed rock and rock close to surface. The property will accommodate a septic system. Depending on exact location, the system will need to be raised using imported sandy loam fill.

Retained – The property is 2 acres. Drainage appears to be south westerly. A municipal drain runs through the southwest corner of the property. The property will accommodate a septic system. Depending on exact location, the system will need to be raised using imported sandy loam fill.

Hydro One Networks – HONI Advised 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) residential building lot (0.8-ha each) and 0.8-ha residential building lot. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on typical settlement (urban) type lots. The lands to the east and south are within plans of subdivision. And lands to the west are characterized as large rural lots.

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

The Provincial Policy Statements encourages development within designated Settlement Areas and encourages infilling within the designated area. The proposed size of lots maintain the ‘urban’ type development appropriate in the settlement area. The applications as submitted meet the ‘consistent with’ test of the Provincial Policy Statement.

Soils Inventory – n/a – settlement area

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – October 18, 2010**

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

The Chairman reviewed the conditions with the agent.

(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.

B10/118

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

NOTES

1. *The RVCA advises that there is a watercourse (Bell Municipal Drain) on the retained parcel. Future development should be setback a minimum of 20 metres from this watercourse. Furthermore, the watercourse is subject to Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" as administered by the Rideau Valley Conservation Authority. Any works affecting the banks or bed of the watercourse requires a permit from the RVCA.*
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 Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*

B10/119

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

NOTES

1. *The RVCA advises that there is a watercourse (Bell Municipal Drain) on the retained parcel. Future development should be setback a minimum of 20 metres from this watercourse. Furthermore, the watercourse is subject to Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" as administered by the Rideau Valley Conservation Authority. Any works affecting the banks or bed of the watercourse requires a permit from the RVCA.*

2. *The Leeds Grenville and Lanark District Health Unit advises that depending on exact location, the septic system on the severed and retained lands will need to be raised using imported sandy loam fill.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
5. *The current Official Plan provides that up to two consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: G.E. Edey Const. Ltd. **Hearing Date:** October 18, 2010
 Nora Edey
Agent: Nora Edey
LDC File #: B10/120 and B10/121 Concurrent Applications
Municipality: Township of Beckwith
Geographic Township: **Lot:** 21 **Concession:** 10
Roll No. 0924 000 030 11000 **Consent Type:** New Lot and lot addition

Purpose and Effect:

B10-120 - To sever a 1.248-ha residential building lot with ‘Century Old Barn’ & shed and retain a 6.26-ha vacant landholding (202 Highfield Crescent)

B10/121 – To sever a 1523 sq.m parcel of land as a lot addition to lands being severed under application B10/120 and to retain a 0.85-ha residential lot with an existing dwelling (220 Highfield Crescent). The effect of the application is to provide sufficient frontage on Highfield Crescent for application B10/120.

The lands are accessed via Highfield Crescent.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained	
	B10/120	B10/121	B10/120	B10/121
Existing Use	Rural	Vacant	Rural	Residential
Proposed Use	Residential	Vacant	Residential	Residential
Area	1.248 ha	1523 m ²	6.26 ha	0.84-ha
Frontage	20 m	25 m	224 m	61.05 m
Depth	145 m	60.94 m	Irregular	139.2 m
Road - Access to	Municipal	Municipal	Municipal	Municipal
Water Supply	Proposed	None	None	Private
Sewage Disposal	Proposed	None	None	Septic
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 – with lot addition		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 1.1.1.d) Healthy, liveable and safe communities are sustained by avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas.

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 4 General Development Policies, Section 4.5 Division of Land, Section 6.6 Rural Lands, Section 7.3 Local Roads, Section 9.10 Land Division Committee.

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

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

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

(b) **AGENCY REVIEW**

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

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

B10/120

- That a paper copy of the registered reference plan be provided to the Township of Beckwith.
- That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

B10/121

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

Conservation Authority – Mississippi Valley Conservation

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

The proposal involves the creation of a new parcel of 3.12 acres with 15.5 acres (or 62628 sq m) on the vacant retained lands. We understand that the area north of the service road has been expropriated by the province for the expansion of Highway 7. The proposed lot of 3.12 acres consists of mainly agricultural land with no residential dwelling. There are two existing outbuildings on the proposed severed lands. Our mapping and confirmed by site visit indicates that there are no wetlands and watercourses on the proposed severed parcel or the retained lands. There is a small seasonal watercourse (Willows Drain) on the area north of the service road. Water flows east and eventually into the Mississippi River.

The Willows Drain is a Municipal Drain and has been classified by Department of Fisheries and Oceans as a "Type F" Drain meaning it has intermittent flow with warm temperatures. Any work should be completed in the dry and all disturbed soils must be stabilized on completion of the work. We assume that any potential future development within 30 metres of the drain will be reviewed by the appropriate agencies.

We also note the small lot addition to the rear of 220 Highfield Crescent B10/121. The area is wooded and will create a buffer for any future development on B10/120. No natural heritage features are impacted.

We have no objection to the severances provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
B10/120

Severed – The 3.12 acre property currently contains a barn and shed. Land is mainly a grass field. There are areas of rock within 8 inches of surface. Recommendation – there is sufficient land to construct a conventional septic system. Depending on the exact location of the system will need to be raised using imported sandy loam.

Retained – The property is a 68.628 metre squared farm and will continue to be used for agriculture. No current plans for a septic system.

B10/121

Severed – The 0.37 acre portion of property is intended to be added to a proposed new residential lot.

Retained – The 2 acre property contains a residence. A well is located to the west of the home. Severance will not negatively affect the existing septic system.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.248-ha residential building lot with 'Century Old Barn' & shed and retain a 6.26-ha vacant landholding (202 Highfield Crescent) and sever a 1523 sq.m parcel of land as a lot addition to lands being severed under

application B10/120 and to retain a 0.85 residential lot with an existing dwelling (220 Highfield Crescent). The effect of the application is to provide sufficient frontage on Highfield Crescent for application B10/120.

The century old barn located on the proposed lot is currently being used for storage. No livestock have been housed in the barn for over 30 years (stalls and stanchions have been removed). The barn has been kept in excellent repair as can be seen on the attached photo.

The subject lands are located in an area characterized by Residential on urban type lots along Highfield Crescent. The lands south of Highfield Crescent were created through a Plan of Subdivision. The lands to the west are large vacant landholdings, with a few small residential building lots along Cemetery Side Road. The lands to the north (retained lands) were created through the Highway 7 expansion and the requirement for a new service road (McQuan Road).

The lands to be severed are accessed via Highfield Crescent, a municipally maintained road.

The Provincial Policy Statements encourages development within designated Settlement Areas and adjacent or close to settlement areas. The proposed size of lot maintains the 'urban' type development appropriate in or adjacent to settlement area. The applications as submitted meet the 'consistent with' test of the Provincial Policy Statement.

Soils Inventory – Name: Kars

- Stoniness: slightly stony
- CLI: 4 – severe limitations
- Drainage: well drained
- Hydrogeology: low 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 Beckwith and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES – October 18, 2010

Nora Edey, agent for B10/120 and owner for B10/121 attended the hearing and gave evidence under oath.

The Chairman reviewed the conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B10/120

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

NOTES:

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The Rideau Valley Conservation Authority advises that the Willows Drain located on the north side of the Service Road is a Municipal Drain and has been classified by Department of Fisheries and Oceans as a "Type F" Drain meaning it has intermittent flow with warm temperatures. Any work should be completed in the dry and all disturbed soils must be stabilized on completion of the work. Any potential future development within 30 metres of the drain should be reviewed by the appropriate agencies.*
4. *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location, the septic system will need to be raised using imported sandy loam.*

B10/121

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
3. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
4. A letter shall be received from the Township of Beckwith stating that condition #2 and #3 has been fulfilled to their satisfaction.
5. The lands to be severed are for the purpose of a lot addition only to the adjacent lands being created through Consent Application B10/120 described as Part of Lot 7 on Plan 27R-8334, Part Lot 21 Conc. 10, Township of Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Mark Thompson **Hearing Date:** October 18, 2010
Ian Peddie
Agent: Andrew Thompson
LDC File #: B10/122 and B10/123 Concurrent Applications
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 7 **Concession:** 2
Roll No. 0911 914 015 20305 **Consent Type:** Realignment of R-O-W
0911 914 015 20100

Purpose and Effect:

B10/122 - To sever a R-O-W over Part 3 and 4 RP27R-1193 in exchange for the existing R-O-W over Parts 2 and 3 RP27R-7327 and Part 9 RP27R-3154.

B10/123 - To sever a R-O-W over Part 7 RP27R-3514 in exchange for an unregistered travelled lane.

The lands are locally known as Farren Lake Lane 31

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

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 3.6 Rural, Section 4.5 Private Roads, Section 5.2.3 Consent Policies

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

Zoning By-law – Section 10. Rural, Section 5.2 Seasonal Residential

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.
- The relocated right-of-way should be established with a minimum width of 9 m.

(c) PLANNING REVIEW

The purpose of the application is two-fold. Firstly to sever a R-O-W over Part 3 and 4 RP27R-1193 in exchange for the existing R-O-W over Parts 2 and 3 RP27R-7327 and Part 9 RP27R-3154. And secondly to sever an R-O-W over Part 7 RP27R-3514 in exchange for an unregistered travelled lane.

The R-O-W forms part of Farren Lake Lane 31A (Private Road).

The subject lands are located in an area characterized by Seasonal Residential Development on smaller type cottage lots. Development is predominately 'water orientated' on a variety of small lots to the west and east; open rural lands are located to the south and Farren Lake is located to the north.

The lands are located within 300 m of a waterbody (Farren Lake), therefore are subject to possible "Archaeological Potential".

Concerns for heritage, wetlands and fisheries were addressed by the Conservation Authority through Consent No. B08/044. Similar conditions / notes are included within these applications.

The Provincial Policy Statements requires that natural heritage features be protected for the long term. The proposal to relocate the r-o-w further away from Farren Lake is a positive move to accomplishing this. The application can meet the consistent with test of the Provincial Policy Statement.

Soils Inventory – n/a

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 – October 18, 2010

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

The Chairman reviewed the conditions with the agent.

(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.

B10/122

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 applicant shall relinquish any existing right-of-way over his lands in favour of the new right-of-way being created.
5. The deed of land required by condition #1 shall establish the right-of-way width at a minimum of 9 m.
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 #5 through #9 has been fulfilled to their satisfaction.

NOTES

1. *Rideau Valley Conservation Authority advises that the watercourse on the subject property is subject to the alternations to watercourses provisions of the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) regulation which means that the written approval of the Conservation Authority is to be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse.*
2. *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.
That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

B10/123

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 shall establish the right-of-way width at a minimum of 9 m.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
7. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property
9. A letter shall be received from Tay Valley Township stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *Rideau Valley Conservation Authority advises that the watercourse on the subject property is subject to the alternations to watercourses provisions of the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) regulation which means that the written approval of the Conservation Authority is to be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse.*
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