



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, August 29, 2011 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2011-023

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"THAT, the minutes of the Land Division Committee meeting held on July 18, 2011 be approved as circulated."

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2011-024

MOVED BY: D. Murphy

SECONDED BY: W. Guthrie

"THAT, the agenda be adopted as circulated."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

- 6.1.1 Mississippi-Rideau Source Water Protection Region – new update – Policy Development Underway.

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 **B11/007, B11/008 and B11/009 – Brent & Sheryle Lewis – 3 new lots**
Pt Lot 22 Conc. 5, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Tennyson Road).
 - 7.1.2 **B11/075 and B11/076 – Andy Sadler – 2 lot additions**
Pt Lot 1 Conc. 10, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Mountainview Road).
 - 7.1.3 **B11/082, B11/083 & B11/084 – Churchill et al – 3 new lots**
Pt Lot 15 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Churchill Road)
 - 7.1.4 **B11/085, B11/086, B11/087 – Churchill et al – 3 new lots**
Pt Lot 15 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Churchill Road)
 - 7.1.5 **B11/093 – June Warwick – Lot Addition**
Pt Lot 14 Conc. 8, geographic Township of South Sherbrooke, now in Tay Valley Township. (Bolingbrooke Road).
 - 7.1.6 **B11/054 and B11/055 – Joseph Henry – two new lots**
Pt Lot 13 Conc. 6, geographic Township of Ramsay, now in the Town of Mississippi Mills. (Old Perth Road).
 - 7.1.7 **B11/088 – Greg and Loree Blair – R-O-W**
Pt Lot 25/26 Conc. 12, geographic Township of Ramsay, now in the Town of Mississippi Mills. (Ramsay Con 12)
 - 7.1.8 **B11/092 – Carol Seaby – lot consolidation**
Pt Lot 25 Conc. 7, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Machin Drive)
 - 7.1.9 **B11/096 – Mark Garvock – new lot**
Pt Lot 25 Conc. 11, geographic Township of Bathurst, now in Tay Valley Township. (MacKay Line Road).

7.1.10 B11/097 – Hector and Hilda Cowan – relocation of R-O-W
Pt Lot 8/9 Conc. 5, geographic Township of North Burgess, now in Tay Valley Township. (Tully's Lane).

7.1.11 B11/098 – John Kenney and Elizabeth Krivonson – R-O-W
Pt Lot 25 Conc. 8, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Ebb's Bay Road).

7.2 Applications Previously Heard and Awaiting a Decision

None

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 B11/007, B11/008 and B11/009 – Brent & Sheryle Lewis – 3 new lots

10.1.2 B11/075 and B11/076 – Andy Sadler – 2 lot additions

10.1.3 B11/082, B11/083 & B11/084 – Churchill et al – 3 new lots

10.1.4 B11/085, B11/086, B11/087 – Churchill et al – 3 new lots

10.1.5 B11/093 – June Warwick – Lot Addition

10.1.6 B11/054 and B11/055 – Joseph Henry – two new lots

10.1.7 B11/088 – Greg and Loree Blair – R-O-W

10.1.8 B11/092 – Carol Seaby – lot consolidation

10.1.9 B11/096 – Mark Garvock – new lot

10.1.10 B11/097 – Hector and Hilda Cowan – relocation of R-O-W

10.1.11 B11/098 – John Kenny and Elizabeth Krivonson – R-O-W

11. UPCOMING MEETINGS

Monday September 26, 2011,
Monday October 24, 2011,
Monday November 28, 2011 and
Monday December 19, 2011

Committee reviewed the 2012 meeting schedule. Due to vacation schedules the March meeting was rescheduled to April 2nd and the April meeting rescheduled to April 30

12. ADJOURNMENT – 11:45 a.m.

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

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Brent and Sheryle Lewis

Hearing Date: August 29, 2011

Agent: ZanderPlan Inc.

LDC File #: B11/007, B11/008 and B11/009 (REVISED)

Municipality: Township of Drummond / North Elmsley

Geographic Township: Drummond

Lot: 22 **Concession:** 5

Roll No. 0919 919 015 15301

Consent Type: Three (3) new Lots

Purpose and Effect: To sever three (3) residential building lots each containing 0.42-ha and retain a 13.76-ha vacant landholding. The proposed lots are accessed via Tennyson Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/007	B11/008	B11/009	
Existing Use	Vacant Residential	Vacant Residential	Vacant Residential	Vacant Residential
Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Vacant Residential
Area	0.42 ha	0.42 ha	0.42 ha	13.76 ha
Frontage	65 m	65 m	65 m	108.79 m
Depth	65 m	65 m	65 m	Irregular
Road - Access to	Municipal Rd	Municipal Rd	Municipal Rd	Municipal Rd
Water Supply	Proposed well	Proposed well	Proposed well	Unknown
Sewage Disposal	Proposed septic	Proposed septic	Proposed septic	Unknown
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, Rural Policies, Section 4.8, 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 – Planner's Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severance is consistent with the Township's Official Plan and Zoning By-law.

The applicants are looking to sever three 0.42 hectare residential building lots and retain a 13.76 hectare parcel of land which is used primarily for pasturing. The subject lands have frontage on Tennyson Road, Moulton Road and Drummond Concession 5B and all three severed lots front on Tennyson Road. This proposed severance is a revision from a previous application where the three proposed lots fronted on Drummond Concession 5B. The severed and retained lands are located entirely within the Rural Designation. While the northwest portion of the subject lands (Lot B 11/009) is shown on some maps to fall within the influence area for an aggregate pit, this mapping is believed to be in error as a 500 metre influence area around the pit is indicated. Section 3.18.2 of the Township's Official Plan however designates a 300 metre buffer for an Aggregate Pit, which would not overlap the subject lands. This correction was noted in the most recent Schedule "B" forming part of the Official Plan submitted to the Province in May 2011. Given that, the severed lots and retained lot conform to the Township's Zoning By-law and Official Plan.

In addition to the constraints and influence areas outlined in Schedule "B", no livestock facilities, watercourses or potentially significant woodlands were identified in close proximity to the severed parcels. The Roads Department was also consulted and upon a preliminary assessment of the proposed lots no constraints to their creation were foreseen.

Given the foregoing, Drummond/North Elmsley Township supports the above severance provided that the usual conditions as indicated on the attached Municipal Reply Form are

met. Pending the eventual approval of this application, the creation of the three severances implies that any future lot creation on this lot of record would need to be done through plan of condominium or subdivision. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

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

Conservation Authority – Rideau Valley Conservation Authority

The revised applications (which we previously understood to be identified as proposed lots— B007, 008 and 011 fronting on concession 5B) have now been relocated to the north, with frontage on Tennyson Road. The proposed lots, at their new locations, do not impact on matters relating to Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have no concerns.

The Rideau Valley Conservation Authority has no objection and we request no condition of approval to these severance applications.

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

Severed B11/007, B11/008 and B11/009 – (*Same report and recommendations for each parcel*) A 0.42 ha parcel of farmland. Land is relatively flat. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 13.76 ha lot, land is vacant farmland, relatively flat. Additional sandy loam fill will be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) residential building lots each containing 0.42-ha and retain a 13.76-ha vacant landholding. The lots to be severed access via Tennyson Road while the retained lands access both Tennyson Road and Drummond Con 5B.

The original proposal located all three severed lots accessing Drummond Con 5B. The Rideau Valley Conservation Authority, through their review advised that one of the proposed lots in this location was almost totally in a local permanent wetland and therefore could not be supported. The applicant then revised the applications to locate all three lots along the Tennyson Road to avoid the wetland. The applications were then re-circulated and the response contained in this report reflects the revised applications.

The subject lands are located in an area characterized by Residential on a variety of lot sizes along Tennyson Road. The Drummond / North Elmsley Official Plan mapping shows the lands partially within the influence area for an aggregate pit, this mapping is in error as it shows the influence area as 500m rather than the required 300m as indicated in the text of the document.

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

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 2 - moderate limitations
- Drainage: well drained
- Hydrogeology: moderate infiltration

Bedrock Inventory – dolostone, sandstone

The area has not been mapped as 'woodlands'. Woodland Development Policies have not been established by the Township of Drummond / North Elmsley.

The Provincial Policy Statement encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – August 29, 2011

Tracy Zander (ZanderPlan Inc.) agent for the applicant attended the hearing and gave evidence under oath.

Ms. Zander advised that the aggregate influence area has now been corrected in the

D/NE new Official Plan (previously shown incorrectly at 500m) and that the applications had been revised by changing the location from Drummond Con 5B to Tennyson Road to avoid a locally significant wetland.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: Conditions are the same for each of the three (3) applications.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The 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. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
5. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
7. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.

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

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines
general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

Additional Note for B11/009

5. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Andy Sadler **Hearing Date:** August 29, 2011
Agent: ZanderPlan Inc.
LDC File #: B11/075 and B11/076
Municipality: Town of Mississippi Mills
Geographic Township: Pakenham **Lot:** 1 **Concession:** 10
Roll No. 0931 946 025 00100 **Consent Type:** Lot Addition

Purpose and Effect:

B11/075 To sever a 0.18-ha parcel of land as a lot addition to lands owned by Glen and Tracy Silverson at Pt Lot 1 Conc. 10 Pakenham (223 Mountain View Road) and retain a 38.0-ha landholding with an existing dwelling, barn and outbuildings (175 Mountain View Road).

B11/076 To sever a 0.21-ha vacant parcel of land as a lot addition to lands owned by Dale Ryan and Christine Susak at Pt Lot 1 Conc. 10 Pakenham (199 Mountain View Road) and retain a 38.0-ha landholding with an existing dwelling, barn and outbuildings (175 Mountain View Road).

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/075	B11/076	
Existing Use Proposed Use	Rural Rural	Rural Rural	House and Barn House and Barn
Area Frontage Depth Road - Access to	0.18 ha N/A 30 m N/A	0.21 ha N/A 30 m N/A	38 ha 465 m 690 m irregular Municipal Road
Water Supply Sewage Disposal	N/A N/A	N/A N/A	Private Well Private Septic
Official Plan Designation -Conformity?	Agriculture Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Agriculture n/a Lot addition		Agriculture 37-0-ha Yes 150 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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.

2.3 Agriculture

Section 2.3.5 Planning authorities may only exclude land from prime agricultural areas for c. Limited non-residential use, provided that the land does not comprise a specialty crop area.

Official Plan – Section 2 Basis of the Community Official Plan, Section 3.2 Agricultural Policies, Section 3.2.7 Severances and Lot Creation, Section 4 General Policies, Section 4.6.4 Local Municipal Roads.

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

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

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

Town Planner's Report

Background

James Andrew Sadler currently owns approximately 38.18ha (94.34ac) of land with an existing dwelling, barn and outbuildings located on a municipally owned and maintained road, Mountain View Road, in Pakenham Ward, in the Town of Mississippi Mills. The intent of these applications is to increase the lot size of the two abutting properties through lot addition by severing a portion of the Mr. Sadler's land and adding it the rear lot lines of the two properties. The lands subject to lot addition each have existing single family dwellings and are serviced by private services.

The lands subject to the consent application are designated Agricultural in the Official

Plan. The parcel being retained is zoned "Agriculture (A) Zone" and "Environmental Hazard (EH) Zone." The EH zone is at the back of the property and does not have any bearing on this application.

Severance Application Summary - Lot Severance

The first part of this application is to sever a 0.18ha (0.44ac) parcel of land and add it to the existing abutting lot, known municipally as 233 Mountain View Road currently owned by Glen and Tracy Silverson. The intent of the application is to increase the size of this rural lot from its current lot area of 0.433ha (1.072ac) to 0.223ha (1.512ac) after the lot addition. Because the lot addition is at the rear of the property, it would not change the road frontage of either property.

The second part of this application is to sever a 0.21ha (0.54ac) parcel of land and add it to the existing abutting lot, known municipally as 199 Mountain View Road currently owned by Dale Ryan and Christine Susak. The intent of the application is to increase the size of this rural lot from its current lot area of 0.427ha (1.056ac) to 0.637ha (1.596ac) after the lot addition. Because the lot addition is at the rear of the property, it would not change the road frontage of either property.

The boundary adjustments are on properties that are zoned agricultural. The adjustment does not impact either the severed property or the retained. The adjustment is being made to address health and safety concerns.

Community Official Plan:

The Community Official Plan in Section 3.3.6(4) states that consents for boundary adjustments, partial discharge of mortgage, easements or right of ways shall not be considered towards the maximum number of consents per holding. Each of the proposed severances are not creating new lots, but are rather boundary adjustments of approximately .18ha (0.44ac) Silverson and .021ha (0.54ac) Ryan to an existing lots of record, bringing the Silverson lot to 0.223ha (1.512ac) and the Ryan lot to 0.637ha (1.596ac). As a result, these severances are viewed as lot additions and therefore the limitation of 2 severances per lot of record does not apply in this case. Other provisions within the Official Plan regarding rural severances, such as access, lot area, lot frontage, demonstrate capacity for private services; also do not apply because the application is not creating a new lot. This adjustment does not impact the Agricultural status of either the severed property or the retained. The adjustment in boundaries is being made to address health and safety concerns of the two residential lots.

Zoning By-law 01-70:

The subject properties are currently zoned Agricultural (A) zone and permit residential land uses that are either accessory to the agricultural use or a non farm dwelling. The by-law requires a minimum lot area of 0.4 hectares (1.0 acres) and a minimum lot frontage of 45m (147ft). Applications B11/075 and B11/076 are proposing non-farm residential lots adjusting the Silverson lot to 0.223ha (1.512ac) and the Ryan lot to 0.637ha (1.596ac). The frontage on all properties is remaining the same. This application is consistent with the lot provisions outlined in the agricultural zone.

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

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

1. That the applicants provide a copy of the registered reference plan to the Town;
2. That the applicants provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicants pay any outstanding property taxes on the subject property.”

Conservation Authority – Mississippi Valley Conservation June 9, 2011

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.

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (2) vacant pieces of land as lot additions to two adjacent properties. The lots to be enlarged are already developed with single family dwellings. The resulting retained land is approximately 38 ha with an existing dwelling and barn.

PROPERTY CHARACTERISTICS

As revealed by a review of available GIS mapping, a tributary of the Mississippi River travels through the proposed retained lands. In addition, a secondary branch of this tributary travels through the proposed severed lands under B11/075, and within 30 metres of B11/076. No natural hazards were identified on the subject property.

REVIEW

All resulting lots are already developed with no new development proposed at this time. In addition, all lots appear to have sufficient area to accommodate new development or redevelopment in compliance with the minimum waterbody setback of 30 metres.

CONCLUSION AND RECOMMENDATIONS

With all of the above in consideration, MVC does not have any objection to the subject applications.

ADDITIONAL

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, written permission may be required from MVC prior to any alterations to the shoreline of the identified tributaries.

In addition, any proposed works in or near the tributaries should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work. A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
B11/075 - Severed – A 0.18 hectare parcel of vacant back land to be added to 223 Mountainview Road. Addition to existing lot of record.

B11/076 – Severed – A 0.21 hectare parcel of vacant back land to be added to 199 Mountainview Road. Addition to existing lot of record.

Retained – A 38 hectare farm with an existing house serviced by a well and septic system. Various out buildings on site. Additional sandy loam fill may be required in area of future replacement tile bed.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.18-ha parcel of land as a lot addition to lands owned by Glen and Tracy Silverson at Pt Lot 1 Conc. 10 Pakenham (223 Mountain View Road) and a 0.21-ha vacant parcel of land as a lot addition to lands owned by Dale Ryan and Christine Susak at Pt Lot 1 Conc. 10 Pakenham (199 Mountain View Road) and retain a 38.0-ha landholding with an existing dwelling, barn and outbuildings (175 Mountain View Road).

The subject lands are located in an area characterized by limited Residential development interspersed between farm operations along Mountainview Road.

The lands to be enlarged are accessed via Mountainview Road, a municipally maintained road.

The area is within a land mass mapped as ‘woodlands’, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Town of Mississippi Mills.

The Provincial Policy Statements encourages the protection of prime agricultural areas for the long-term use for agriculture. The lands being severed as ‘lot additions’ to existing residential lands are within a forested area of the agricultural operation and are not used as part of the agricultural operation (i.e. crops). Therefore the request falls under PPS Section 2.3.5.1.c and the applications 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 Town of Mississippi Mills and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES – August 29, 2011

Tracy Zander (ZanderPlan Inc.) agent, Dale Ryan, applicant and Glen Silverson, applicant attended the hearing and gave evidence under oath.

Mr. Ryan advised that the lands are treed and not used for agricultural purposes.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS - Application B11/075

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Glen Hunter Silverson and Tracy Lynn Silverson described as Part 1, Plan 26R-2499, Con 10 Pt Lot 1, geographic Township of Pakenham, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the replacement septic system area on the retained lands.*
2. *The Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission may be required from MVC prior to any alterations to the shoreline of the identified tributaries.*
3. *In addition, any proposed works in or near the tributaries 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. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

Application B11/076

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Dale Ryan and Christine Suzak described as Part 2, Plan 26R-2499, Con 10 Pt Lot 1, geographic Township of Pakenham, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the replacement septic system area on the retained lands.*
2. *The Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission may be required from MVC prior to any alterations to the shoreline of the identified tributaries.*
3. *In addition, any proposed works in or near the tributaries 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. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007*

defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 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 Planner's Report (reports relates to all six applications B11/082 through B11/087)

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severances are consistent with the Township's Official Plan and Zoning By-law.

Additionally, as the severances were requested from land owned by the Churchill's which was divided by a rail line and hence considered two lots for planning purposes, the six requested lots were circulated to me in two applications. However, as many of the same planning considerations applied to all requested lots on the two parcels, my review applies to all these lots. To sum, the applicants are seeking to sever a total of six residential building lots, each of 1.0 hectares in size while retaining vacant landholdings of 23.0 and 33.0 hectares, respectively. The larger parcel contains an existing dwelling, located at 593 Churchill Road and the smaller retained landholding is vacant. All existing and proposed lots are accessed from Churchill Road, which is owned and maintained by the Township. According to the Township's Official Plan, the entirety of the proposed lots and vacant lots are within the Rural Designation and all the lots are zoned Rural (RU) within the Township's Zoning By-law. The lots also do not fall within any influence area constraints as identified on Schedule "B" of the Official Plan. While the presence of watercourses, wetlands or significant woodlands facilities on or near the proposed lots do not preclude the creation of these severances, it was noted that severances B 11/085, 086 and 087 fall within 500 metres of the rail line that bisects North Elmsley Ward. With the interest of addressing potential issues of noise, Policy 3.21.1 of the Official Plan allows Council to request that a noise study be prepared for development proposals within 500 metres of a main railway. In considering this issue staff noted that several lots were created recently on Armstrong Road, which is near to the subject property and significantly closer to the rail line than the proposed Churchill lots. Additionally significant brush and woodland exists in a straight line between the lots and the tracks, which would form a visual and sound buffer between the uses. Consequently, it is my belief that a notation, to be written on the Notice of Title and any purchase agreements, indicating that the lot is within 500 metres of an active rail line and may be subject to impacts relating to noise shall be sufficient in this regard.

Given the foregoing, Drummond/North Elmsley Township supports the above severances provided that the conditions as indicated on the attached Municipal Reply Form are met. Pending the eventual approval of this application, the creation of the three severances implies that any future lot creation on either of these lots of record would need to be done through plan of condominium or subdivision. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

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

- The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:

TAKE NOTICE that this lot is located within 500 metres of an active rail line which is located to the north in part of Lot 15, Concession 9, Geographic Township of North Elmsley, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise.

Conservation Authority - Rideau Valley Conservation Authority – June 29, 2011

The Rideau Valley Conservation Authority has completed a review of the above noted application for the creation of three new 1-ha lots from the 33 ha retained parcel. A site inspection was conducted on June 17, 2011. The lots are generally flat land composed of a regenerating field with open areas and hedgerows. The following comments are offered for the Committee's consideration.

The proposed severances are not situated in an area to which our regulatory jurisdiction applies. A portion of an intermittent watercourse and related permanent wetland (non-PSW) extend into the retained parcel and drain to the Tay Marsh Provincially Significant Wetland. As such, we note for the owner's reference, that this watercourse is subject to Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" as administered by the Rideau Valley Conservation Authority under Section 28 of the Conservation Authorities Act. Approval will be required for any alteration to the watercourse (including any crossing structures). Any applications received in this regard would then be assessed within the context of approved policies for the administration of the regulation, including those for the protection of fish habitat. Please see attached map schedule 'A' showing the watercourse and wetland area.

Provided that the Township is satisfied that the zoning for the lots is or will be appropriate and the Health Unit is satisfied that the lots can be serviced with private individual septic systems, we do not object to these applications.

Trusting this is satisfactory and thank you for the opportunity to comment. Please forward notice of the Committee's decision on these applications to the RVCA office. Please do not hesitate to contact the undersigned should you have any questions.

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

Severed – (same report for all three parcels)

A vacant open farm field. Land is slightly sloped. A 1 hectare parcel of land.

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

Retained – A 33-hectare farm parcel of land with an existing house

(abandoned/unoccupied) serviced by a well and septic system. There are various farm buildings also on property.

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

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) residential building lots each containing 1.0-ha and retain a 33-ha landholding. The retained lands have an existing residential dwelling and outbuildings located at 593 Churchill Road.

The subject lands are located in an area characterized by Residential on large landholdings and typical residential lots along Churchill Road. The CPR Rail Line lies to the south of the lands. If approved a condition will be required to be added to the deeds to advise purchaser's that they may be subject to noise, odours, etc as a result of the rail operation.

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

Soils Inventory – Name: Elmsley

- Stoniness: moderately stony
- CLI: 4 – severe limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – Dolostone, sandstone

The area has not been mapped as 'woodlands', DRAPE mapping indicates this area is open fields. Woodland Development Policies have not been established by the Township of Drummond / North Elmsley

An existing farm operation is located to the southeast of the lots to be created. An MDS was undertaken which resulted in a required setback of 250m from the livestock facility. The distance has been calculated (using GIS) to be 345m from the livestock facility to the most southerly proposed lot boundary of B11/084. If approved a 'note' will be required to advise that an MDS calculation will be required prior to the issuance of a building permit for B11/084. It is also suggested that a 'condition' be placed on each of the three deeds advising of the proximity to a livestock operation.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – August 29, 2011**

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

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

The following Conditions apply to all three (3) applications:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing rail line, and that the occupants of the lot may be susceptible to noise, odours, vibration and related impacts from time to time".
4. 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".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
7. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality

has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

8. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #5 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the watercourse on the retained lands is subject to Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" as administered by the Rideau Valley Conservation Authority under Section 28 of the Conservation Authorities Act. Approval will be required for any alteration to the watercourse (including any crossing structures). Any applications received in this regard would then be assessed within the context of approved policies for 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 fill / imported fill may be required in the septic system area of the severed lands and in the future replacement area on the retained lands.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets regularly to evaluate species for listing and/or re-evaluate species already

listed. As a result, species' designations may change that could in turn change the level of

protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

Additional Notes for B11/084

6. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.
The Township of Drummond / North Elmsley will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*

7. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Aubrey & Ann Churchill **Hearing Date:** August 29, 2011
 James & Kristine Churchill

Agent: ZanderPlan Inc.

LDC File #: B11/085, B11/086 & B11/087

Municipality: Township of Drummond / North Elmsley

Geographic Township: North Elmsley **Lot:** 15 **Concession:** 9

Roll No. 0919 908 015 54400 **Consent Type:** three (3) new lots

Purpose and Effect: To sever three (3) residential building lots, each containing 1.0-ha and to retain a 23.0-ha vacant landholding. The lands are accessed via Churchill Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/085 B11/087	B11/086		
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Rural Rural
Area Frontage Depth Road - Access to	1 ha 45 m 225 m Municipal Rd	1 ha 45 m 225 m Municipal Rd	1 ha 45 m 225 m Municipal Rd	23 ha 198 m irregular Municipal Rd
Water Supply Sewage Disposal	Proposed well Proposed septic	Proposed well Proposed septic	Proposed well Proposed septic	Proposed well Proposed Septic
Official Plan Designation -Conformity?	Rural Yes			
Zoning Category	Rural		Rural	
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	0.4-ha Yes 45 m Yes		0.4-ha Yes 45 m Yes	

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

safety concerns.

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

Section 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 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 Planner's Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severances are consistent with the Township's Official Plan and Zoning By-law.

Additionally, as the severances were requested from land owned by the Churchill's which was divided by a rail line and hence considered two lots for planning purposes, the six requested lots were circulated to me in two applications. However, as many of the same planning considerations applied to all requested lots on the two parcels, my review applies to all these lots.

To sum, the applicants are seeking to sever a total of six residential building lots, each of 1.0 hectares in size while retaining vacant landholdings of 23.0 and 33.0 hectares, respectively. The larger parcel contains an existing dwelling, located at 593 Churchill Road and the smaller retained landholding is vacant, All existing and proposed lots are accessed from Churchill Road, which is owned and maintained by the Township.

According to the Township's Official Plan, the entirety of the proposed lots and vacant lots are within the Rural Designation and all the lots are zoned Rural (RU) within the Township's Zoning By-law. The lots also do not fall within any influence area constraints as identified on Schedule "B" of the Official Plan.

While the presence of watercourses, - wetlands or significant woodlands facilities on or near the proposed lots do not preclude the creation of these severances, it was noted that severances B 11/085, 086 and 087 fall within 500 metres of the rail line that bisects North Elmsley Ward. With the interest of addressing potential issues of noise, Policy 3.21.1 of the Official Plan allows Council to request that a noise study be prepared for development proposals within 500 metres of a main railway. In considering this issue staff noted that several lots were created recently on Armstrong Road, which is near to the subject property and significantly closer to the rail line than the proposed Churchill lots. Additionally significant brush and woodland exists in a straight line between the lots and the tracks, which would form a visual and sound buffer between the uses. Consequently, it is my belief that a notation, to be written on the Notice of Title and any purchase agreements, indicating that the lot is within 500 metres of an active rail line and may be subject to impacts relating to noise shall be sufficient in this regard.

Given the foregoing, Drummond/North Elmsley Township supports the above severances provided that the conditions as indicated on the attached Municipal Reply Form are met. Pending the eventual approval of this application, the creation of the three severances implies that any future lot creation on either of these lots of record would need to be done through plan of condominium or subdivision. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to

- commencing a survey to determine the amount, if any, of road widening required.
- The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Drummond/North Elmsley in this regard.
 - The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:
TAKE NOTICE that this lot is located within 500 metres of an active rail line which is located to the north in part of Lot 15, Concession 9, Geographic Township of North Elmsley, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise.

Conservation Authority – Rideau Valley Conservation Authority June 29 2011

The Rideau Valley Conservation Authority has completed a review of the above noted applications for the creation of three new 1-ha lots from the 24 ha retained parcel. A site inspection was conducted on June 17, 2011. The lots are generally flat land composed of a regenerating field with open areas, woodland and permanent wetland. The following comments are offered for the Committee's consideration.

As indicated on the attached map schedule 'A', a portion of a permanent wetland (non-PSW) extends into both the parcels to be severed and the retained parcel and drains to the Tay Marsh Provincially Significant Wetland. As such, we recommend that the lot lines of the parcels to be severed be adjusted to remove them from the permanent wetland to minimize any further fragmentation of the wetland feature. Less fragmented ownership of the wetland allows for consistent management of the feature and minimizes the potential for disturbance of wetland features and functions.

For the applicant's information, we request the following considerations be included as notes to the decision should approval be given:

- Tree and vegetation removal is to be minimized to the extent possible and is to occur only as necessary to provide for suitable building and sewage envelopes.
- The natural drainage patterns on the site are to be maintained to the extent possible.

Provided the Township is satisfied that the zoning for the lots is or will be appropriate and the Health Unit is satisfied that the lots can be serviced with private individual septic systems, we do not object to these applications.

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

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

Severed – (same for all three lots) a vacant open field. Land is slightly sloped, 1 ha parcel of land. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

Retained – a 23 + hectare farm parcel of land. Land is mainly open farm field.

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

Hydro One Networks – No comments were received.

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

CPR Rail Line – No comments were received.

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) residential lots, each containing 1.0-ha and to retain a 23-ha landholding. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on large landholdings to the north along Churchill road and residential on typical sized building lots to the south along Churchill Road and Armstrong Road. The CPR Rail Line is to the north of the lots.

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

Soils Inventory – Name: Elmsley

- Stoniness: moderately stony
- CLI: 4 – severe limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – Dolostone, sandstone

The area has considerable amount of mapped as ‘woodlands’, however, the area proposed to be developed consists of open field. Woodland Development Policies have not been established by the Town of Mississippi Mills.

An existing farm operation is located to the northeast of the lots to be created. An MDS was undertaken which resulted in a required setback of 250m from the livestock facility. The distance has been calculated (using GIS) to be over 500m from the livestock facility to the most northerly proposed lot boundary of B11/087.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS 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 – August 29, 2011**

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

Ms. Zander advised that she reviewed the applications with RVCA, noting that if the lot frontages were increased to remove lands from the wetland, that the lot would become closer to the rail line and that this was less desirable than locating a portion of the lots within the wetland area.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

The following Conditions apply to all three (3) applications:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing rail line, and that the occupants of the lot may be susceptible to noise, odours, vibration and related impacts from time to time".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road

widening required.

7. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #5 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that:*
 - *Tree and vegetation removal is to be minimized to the extent possible and is to occur only as necessary to provide for suitable building and sewage envelopes.*
 - *The natural drainage patterns on the site are to be maintained to the extent possible.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area of the severed lands and in the future replacement area on the retained lands.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

Additional Notes for B11/087

6. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: June Warwick **Hearing Date:** August 29, 2011
Agent: ZanderPlan Inc.
LDC File #: B11/093
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 14 **Concession:** 8
Roll No. 0911 914 010 21700 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 1.2-ha parcel of land as a lot addition to lands owned by Greg and Karey Crain at Pt Lot 14 Conc. 8, geographic Township of South Sherbrooke RP27R-1236 Part 1, Tay Valley Township, and retain a 6.7-ha parcel of land with an existing dwelling (4925 Bollingbrooke Road).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	vacant	Residential
Area	1.2-ha	6.7-ha
Frontage	145 m (width)	80 m
Depth	80 m (depth)	Irregular
Road - Access to	none	County Road
Water Supply	None	Existing well
Sewage Disposal	none	Existing septic system
Official Plan Designation -Conformity?	Rural and Hamlet Yes	
Zoning Category	Rural Residential	Residential
-Area Required (min.)	n/a – lot addition	0.405-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 2 General Development Policies, Section 3.7 Hamlet Policies, Section 4.3 County Roads, Section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal is for a lot addition of 1.2 ha to be added to Greg and Karey Crain's lot at 4935 Bolingbrooke Rd with a 6.7 parcel of land with an existing dwelling to be retained by June Warwick at 4925 Bolingbrooke Road.

Official Plan Section 3.6.2 Rural and 3.7.2 Hamlet designations permit residential use. 2.23 Water Quality and Quantity – requires a minimum setback of 30 m from water. In this case a setback of 30 m from a small stream on the retained parcel would be required and can be met.

Zoning is rural residential. Section 10.1.1 – Residential use is appropriate. 10.1.2 – lot area 4050 sq.m. is met for both the proposed severed and retained lot (1.73 ha and 6.7 ha respectively). The lot to be added to is zoned Residential. Since Rural zoning is compatible with Residential, the lot addition will not have to be re-zoned.

MRSSO is supportive as the lot addition will provide more room for a replacement septic system in the future.

Rideau Valley Conservation Authority has no objection but cautions that a 30 m setback from the watercourse on the retained parcel must be met.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfer(s) be submitted to the Township.

Conservation Authority – Rideau Valley Conservation Authority - June 29, 2011

The Rideau Valley Conservation Authority has completed a review of the above noted application which will act to add a 1.2 acre parcel to the adjacent Cram residential lot. We have undertaken our review within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the applications from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act.

We have not identified any natural heritage or natural hazards that would otherwise preclude the approval of the application. There is a watercourse flowing through the proposed retained Warwick parcel, The RVCA recommends a 30 metre development and disturbance setback from the watercourse and any alteration of the watercourse which may be proposed in the future requires prior written approval from the RVCA as per Regulation 174/06 (“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”).

The Rideau Valley Conservation Authority has no objection or condition of approval to the severance applications. Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at 613- 267-5353 ext. 131 should you have any questions.

Septic Office – Mississippi Rideau Septic System Office – June 24, 2011

A site visit was conducted at the above mentioned property by our office on June 24, 2011, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately a 1.2 hectare parcel, irregular in dimension. The proposed lot is currently vacant with a shed and areas of mixed forest. The purpose of the consent, as identified by the agent, is for a lot addition to 4935 Bolingbroke Rd. The recipient lot has an existing septic system (Permit # SF32989).

The retained parcel is irregular in dimensions and approximately 6.7 hectares in area. There is a dwelling and an existing septic system (Permit # 05V053) located on the property with several outbuildings. To the south of the dwelling is a pond that will not be impacted by the proposed lot addition.

The proposed lot addition will improve the ability of the recipient lot to replace the existing septic system, when required, meeting all requirements of the OBC and Tay Valley Township Official Plan /Zoning Bylaw. The severance will not interfere with the existing septic system on the retained portion or limit the ability to operate, maintain or replace the system in the future. Given the above information, our office has no objections to the severance as proposed.

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

(c) PLANNING REVIEW

The applicant proposes to sever 1.2-ha parcel of land as a lot addition to an existing residential lot and retain a 6.7-ha residential lot..

The subject lands are located in an area characterized by Residential on typical ‘settlement’ type lots. A commercial unit (restaurant and shop) are located to the north,

as well as an abandoned municipal fire hall. A new Emergency Services facility is located to the north west and the Maberly Agricultural Building and grounds are located to the east.

The lands to be enlarged are accessed via Bolingbrooke Road, a county maintained road. No new entrances are required. (Crain Entrance Permit No. 1928, Warwick Entrance Permit No. 1948)

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by Tay Valley Township.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – August 29, 2011

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

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Gregory Thomas William Crain and Karey Denise Crain described as Part 1, Plan 27R-1236, being part lot 14 Conc. 8, geographic Township of South Sherbrooke, now in Tay Valley Township, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The RVCA recommends a 30 metre development and disturbance setback from the watercourse and located on the retained lands, any alteration of the watercourse which may be proposed in the future requires prior written approval from the RVCA as per Regulation 174/06 ("Development, Interference with Wetlands and Alterations to Shorelines and Watercourses").*
2. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on*

general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Joseph Henry **Hearing Date:** August 29, 2011
Agent: Terra Kauffeldt
LDC File #: B11/054
Municipality: Town of Mississippi Mills
Geographic Township: Ramsay **Lot:** 13 **Concession:** 6
Roll No. 0931 929 010 05002 **Consent Type:** New Lots

Purpose and Effect: To sever two (2) residential building lots (1.14-ha and 1.4-ha) and retain a 2.25-ha residential building lot. The lands are accessed via Old Perth Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/054	B11/055	
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential
Area	1.14 ha	1.4 ha	2.25 ha
Frontage	245 m	245 m	66 m
Depth	261 m	261 m	261 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well	Proposed
Sewage Disposal	Proposed Septic	Proposed Septic	Proposed
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.)	45 m		45 m
-Compliance?	Yes		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

Section 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 2 Basis of Plan, Section 3.1.2.1 Provincially and Locally Significant Features, Section 3.3 Rural Policies, Section 3.3.6 Severance and Lot Creation, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 general Provisions, Section 9 Rural Zone, Section 30 Environmental Protection Zone

The Town of Mississippi Mills 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:

Town Planner's Report

Background

Terra Kauffeldt and Joseph Henry currently own approximately 7.34ha (18.05ac) of vacant land located on a municipally owned and maintained road, Ramsay Conc. 7A and Old Perth Road, in Ramsay Ward, in the Town of Mississippi Mills. No structures or buildings exist on the vacant land lots. The intent of the applications is to create two new lots of approximately 2.4ha (5.94ac) each off of the existing lot and retaining the remainder resulting in the creation of two lots plus the retained lot.

The lands subject to the consent applications are designated Rural and Environmental Protection in the Official Plan.

Severance Application Summary

These applications are to create two 2.4ha (5.94ac) parcels from an existing lot of 7.3ha (18.1 4ac) of rural vacant land along a section of forced road municipally known as Old Perth Road west of Ramsay Cone. 7, currently owned by Terra Kauffeldt and Joseph Henry. The new lots would have frontages of approximately 122.52m (402ft) each, totalling 245.05m (804ft) of frontage on Old Perth Road.

The subject property fronts onto a section of Old Perth Road which is a forced road. According to W.D. (Rusty) Russell, Q.C.; a forced/trespass or given road is a publicly used road that crosses private property and to which the municipality does not have legal title to the soil and freehold. Old Perth Road has been an established road that has long been in existence. For many years the road was seasonally maintained. In the last few years the municipality has been maintaining this section of road year round. In the last year, the municipality has been maintaining this section of road year round. Because the municipality recognizes the status of Old Perth Road as a forced road there is an obligation to maintain the road to minimum standards.

Provincial Policy Statement

The 2005 Provincial Policy Statement does not speak specifically to lot severances in the rural area.

Community Official Plan:

The Community Official Plan states that severances and lot creation are permitted on lands designated Rural, but are limited to two lots plus the retained lot, except where

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

It is encouraged that all property corners are marked in the field in order to ensure that safe access can be accommodated within the frontages under consideration. Section 3.3.6.5(i) states that the access point of the driveway onto the public road must be located so that no safety hazards are created. And that a severance shall be permitted only where the centre of the driveway shall be 150 metres from immediate neighbouring driveways on the same side of the road. In this case, due to topography and site lines of the location it is proposed that Section 3.3.6.5(vii) could be implemented. Due to the site specific topography and sight lines the regular minimum distance separation between driveways might not be advisable, and that two or more lots could share a single driveway in the interest of safety and good planning practices.

As a result, the severances in this application might consider sharing a single driveway as recommended in the Official Plan. Other provisions within the Official Plan regarding rural severances, such as lot area, lot frontage, demonstrate capacity for private services; also do not apply because the application is not creating a new lot.

The proposed severance is consistent with the intent of the Community Official Plan.

Zoning By-law 01-70:

The property subject to the application is zoned Rural and Environmental Protection. The zoning provisions for lots in the Rural zone require a minimum lot area of 10 hectares if used for a rural use or 0.4 hectares (1 acre) if used for non-farm residential. The required minimum lot frontage for Rural property is 150 metres (492ft) or 45m (147.6ft) if used for non-farm residential. While this requirement may not be required for the land being severed, these requirements will apply to the retained parcel. In regards to the application the retained lands will have a minimum lot area of 2.53ha (6.26ac) and a minimum lot frontage of 66.4m (21 8ft), which meet the zoning requirements.

The area of the subject property that is EP Zone may only be used for conservation, existing uses, forestry and agricultural uses excluding related buildings or structures. No buildings or structures may be erected on this area of the property.

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property;
4. That the applicant must acquire entrance permits for each of the severed lots from Old Perth Road;
5. That the applicant must agree to widen the road allowance as acceptable to the municipality on both the severance and the retained lands;
6. That the applicant must acquire a Property Identification Number (PIN) for each of the severed lots.

7. That the applicant must enter into a joint use and maintenance agreement regarding the use and maintenance of the shared driveway.

Conservation Authority – Mississippi Valley Conservation – June 1, 2011

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.

PROPOSAL

According to the information provided, the purpose of the subject applications is to sever (2) vacant residential building lots; severed parcel B 11/054 is proposed to be 2.84 acres and severed parcel Bi 1/055 is 3.48 acres. The proposed retained land is a vacant 8.96 acre parcel of land.

PROPERTY CHARACTERISTICS

According to a review of available mapping, the northern portion of the proposed retained lands consists of a portion of the Wolfe Grove Complex, which has been classified as Provincially Significant Wetland (PSW) by the Ministry of Natural Resources. In addition, mapping revealed that a tributary of Wolfe Grove Creek travels through this wetland, across the retained lands. With respect to the severed lands, a significant portion of both severances are located within the 120 metre adjacent lands to the aforementioned PSW. No other natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage

PSW:

Guidelines which were prepared in support of the Provincial Policy Statement (PPS) recommend that new development, including the creation of new lots within 120 metres of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of this feature. This would typically be examined through the preparation of an Environmental Impact Statement (EIS). However, as estimated on available mapping, sufficient area appears to exist on all resulting lots (severed and retained lands) for future development that is located beyond the 120 metre adjacent lands. With this in consideration, MVC is of the opinion that there would be limited value in conducting an EIS at this time. However, in the event that future development is proposed within the 120 metre adjacent lands to the PSW, an EIS may be required to evaluate such development.

Tributary:

Sufficient area appears to exist on the proposed retained lands to accommodate future development in compliance with the current standards for development adjacent to a watercourse.

Lot Size:

MVC is satisfied with the size of all resulting lots.

Natural Hazards:
None identified.

CONCLUSIONS AND RECOMMENDATIONS

MVC does not have any objection to the subject applications provided the following mitigative measures are implemented:

B11/054 Severed Lands, B11/055 Severed Lands, Retained Lands

1. In the event that future development is proposed within the 120 metre adjacent lands to the PSW, an EIS may be required to evaluate such development.
Retained Lands
1. Future development, including a septic system shall be setback the greater of:
 - a minimum 30 metres from the seasonal high water mark of the tributary or
 - beyond the waterbody setback specified in the Zoning By-law at the time of new development.
2. The existing shoreline vegetation surrounding the tributary shall be retained.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary or onto adjacent properties.

ADDITIONAL

The property owner should be advised that in the event shoreline work is proposed along the tributary which travels through the retained lands, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Written permission is also required from MVC for any interference within the PSW or within 120 metres of the PSW. Any proposed works in or near the tributary and PSW, located on the retained lands, should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

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

Severed – B11/054 – A 11.88 acre parcel of land. There is a hydro power line intersecting parcel. Land is a combination of bush/treed and open field. Soil depth can be shallow in areas. Additional sandy loam fill is required in area of future tile bed.

Severed – B11/055 – A 11.88 vacant parcel comprised of bush/trees and open field. There is a hydro line intersecting through property. Additional sandy loam fill is required in area of future tile bed.

Retained – A 5.56 acre parcel of vacant land of mainly bush/trees with some open field. A hydro line intersects the property. Additional sandy loam fill is required in area of future tile bed.

Hydro One Networks –

Please be advised that Hydro One Networks Inc. ("HONI") has reviewed the proposed severance applications and has the following comments.

HONI enjoys easement rights across the retained parcel and the two parcels that are being severed. HONI's easement rights must be protected and maintained at all times.

Any placement of permanent or temporary structures, facilities or landscaping within the easement corridor will be prohibited without HONI's written approval.

The costs of any relocations or revisions to Hydro One facilities which are necessary to accommodate this proposal will be borne by the developer.

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

(c) PLANNING REVIEW

The applicant proposes to sever two (2) residential building lots (1.14-ha and 1.4-ha) and retain a 2.25-ha residential building lot. All the lands are currently vacant.

The subject lands are located in an area characterized by limited Residential on large landholdings along Old Perth Road. A HONI Transmission Line crosses both the retained lands and the severed lands. Easements are existing and will be required to be maintained.

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

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – flows, tuffs, marble, calcium silicate.

The area has considerable land masses mapped as 'woodlands', however none are located in the area of the proposed lots. Woodland Development Policies have not been established by the Town of Mississippi Mills.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) PUBLIC INPUT

No written submissions were received in response to the notice of application sent to

every landowner pursuant to Clause 53(5) (a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended.

(e) **MINUTES – August 29, 2011**

Terra Kauffeldt, agent, attended the hearing and gave evidence under oath. The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS – The same conditions apply to both lots:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall recognize any easements that currently exist (i.e. Hydro One Networks Inc.).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
7. The applicant shall obtain an entrance location permit from the Town of Mississippi Mills. The applicant shall consult directly with the Township in this regard.
8. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Town of Mississippi Mills by registered deed, 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's Director of Roads and Public Works shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

10. The applicant shall enter into a joint use and maintenance agreement for the construction and maintenance of the shared driveway. A copy of such agreement to be provided to the Town of Mississippi Mills and the Secretary-Treasurer of the Land Division Committee.
11. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that In the event that future development is proposed within the 120 metre adjacent lands to the PSW (Wolfe Grove Complex), an Environmental Impact Study (EIS) may be required to evaluate such development.*
2. *The MVC also advise that future development on the retained lands, including a septic system shall be setback the greater of:*
 - *a minimum 30 metres from the seasonal high water mark of the tributary*
 - or*
 - *beyond the waterbody setback specified in the Zoning By-law at the time of new development.**The existing shoreline vegetation surrounding the tributary shall be retained. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributary or onto adjacent properties.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

Additional Condition for B11/076

7. *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: Greg & Loree Blair **Hearing Date:** August 29, 2011
Agent: Robert Hurtubise
LDC File #: B11/088
Municipality: Town of Mississippi Mills
Geographic Township: Ramsay **Lot:** 25/26 **Concession:** 12
Roll No. 0931 929 025 39100 **Consent Type:** R-O-W

Purpose and Effect: To create a right-of-way over lands owned by Greg and Loree Blair, located at West Lot 25 Conc. 12 Ramsay for access to lands owned by Mahmoud Salim Houchami, located at East Pt Lot 25 Conc. 12, Ramsay. The access will adjoin Ramsay Con 12.

(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,

Official Plan – Section 2 Basis of Plan, Section 3.3 Rural Policies, Section 3.3.6 Severance and Lot Creation, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land.

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

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

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

Town Planner's Report

The municipality recognizes that the abutting property owner currently uses part of the Blair Property to access their property in behind, which does not have access (to an opened and maintained road). We also recognize that there will be no new road created. Based on this the municipality has no issue with the proposed easement, subject to the

following conditions.

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

1. That the applicant provide a copy of the registered reference plan to the Town.
2. That the applicant provide a digital copy of the registered reference plan in a DWG. Format.

(c) PLANNING REVIEW

The applicant proposes to sever lands to create a right-of-way to provide access from Ramsay Con 12 to the east half lot 25 Conc. 12 Ramsay. This private road exists and is being used by the Houchami's however there has never been a legal agreement to do so. This application will legalize the r-o-w.

The subject lands are located in an area characterized by Residential on large landholdings along Ramsay Con. 12

The r-o-w accesses Ramsay Con 12, 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 Mississippi Mills and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES – August 29, 2011

Billy Houchaimi, representing the agent, Robert Hurtubise who was unable to attend due to a conflict, attended the hearing and gave evidence under oath.

Mr. Houchaimi confirmed that the r-o-w was surveyed at 6m and that the Town did not comment on the width requirement for private r-o-w's.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Carol Seaby **Hearing Date:** August 29, 2011
Agent: Richard Turner
LDC File #: B11/092
Municipality: Township of Drummond / North Elmsley
Geographic Township: Drummond **Lot:** 25 **Concession:** 7
Roll No. 0919 919 015 30705 & **Consent Type:** Lot Consolidation
0919 919 015 30701

Purpose and Effect: To consolidate a vacant parcel of land owned by Carol Seaby containing 506.3 sq. m with a developed parcel of land owned by Carol Seaby containing 1096.2 sq.m. The lands are accessed via Machin Drive.

(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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 3.19 Land Adjacent to Wetlands, Section 4.6 Wetland Policies, Section 5.3 Local Roads.

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

Zoning By-law - Section 2 non-conforming/complying uses, Section 4 General Provisions, Section 10 Limited Services Residential Zone, Section 24 Wetland Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

Please be advised that I have reviewed the above noted consent application and have

determined that the proposed consent is consistent with the Township's Official Plan and the intent of the Zoning By-law.

The applicant is looking to merge two undersized parcels of land on Machin Road, located near the south shore of Mississippi Lake. The larger parcel of land is 1096.2 square metres and contains a cottage and it is being consolidated with an adjacent 506.3 square metre parcel. Both parcels are owned by Ms. Seaby. The applicant is currently constructing a garage which sits on both parcels. Prior to application Ms. Seaby received a building permit from the Township conditional on the severance being granted as well as a minor variance being approved to accommodate a slight increase on the maximum height for an accessory building. A security deposit was received from Ms. Seaby to cover the cost of demolition should either of the two applications not be successful. Most of the proposed combined lot is within the Rural Designation although the corner closest to the lake is designated Floodway. While the entire lot is outside the 30 metre waterbody setback almost all the lot is within Mississippi Valley Conservation's regulation limit and as such any construction on the lot is subject to their review.

The minimum lot size in the Limited Services Residential (LSR) Zone, in which these two parcels falls, is 4,000 square metres. While Staff would normally not support the creation of a lot which is smaller than the required minimum, this application is supported because the merger improves the situation and results in a lot which is larger than what is currently there. As such, this limits possible future density increases in this sensitive neighbourhood and would eliminate the possibility of a new septic system being established on the smaller parcel were it to eventually be developed separately.

Given the foregoing, Township Staff believe that this application is consistent with the Township's Official Plan and the intent of the Zoning By-law and as such support the above severance provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

1. The balance of any outstanding taxes and fees owing shall be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
3. The applicant shall be granted a Minor Variance for any non-conforming construction on the severed parcel and/or retained lands.
4. The severed lands shall be for a lot addition only to adjacent lands owned by Carol Seaby.

(c) **PLANNING REVIEW**

The applicant proposes to consolidate (merge) two undersized parcels of land. The main lot is 1,096.2 sq. m. And the lands to be consolidated contain 506.3 sq. m. An existing cottage is located on the larger lot and the applicant proposes to construct a garage of the smaller lot. Both lots are currently non-conforming and will require either re-zoning or a minor variance application to further develop the lands.

The subject lands are located in an area characterized by Seasonal Residential on typical smaller type 'cottage' lots along the shore of Mississippi Lake.

The lands are accessed via Machin Road, a private road.

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

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS 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 – August 29, 2011

Carol Seaby, owner and Richard Turner, applicant, attended the hearing and gave evidence under oath.

Mr. Turner advised that the Conservation Authority had reviewed the site through the "Minor Variance" process undertaken at the Township.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Carol Seaby described as Part Lot 25 Conc. 7, geographic Township of Drummond, 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".
4. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.
6. The applicant shall obtain appropriate relief from the provisions of the Zoning By-law for the Township of Drummond / North Elmsley either by way of an amendment to the Zoning By-law or a minor variance.
7. 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.
8. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #6 through #8 has been fulfilled to their satisfaction.

NOTES

1. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
2. *The lot is within Mississippi Valley Conservation's regulation limited. Any development on the lot is subject to their review.*
3. *Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
4. *In addition, any proposed works in or near the lake, unnamed watercourse or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
5. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Mark Garvock

Hearing Date: August 29, 2011

Agent:

LDC File #: B11/096

Municipality: Tay Valley Township

Geographic Township: Bathurst

Lot: 25 **Concession:** 11

Roll No. 0911 916 030 38200

Consent Type: New Lot

Purpose and Effect: To sever a 1.16-ha lot with an existing dwelling and outbuildings (258 MacKay Line Road) and retain a 4.0-ha parcel of land with an existing shop and outbuildings. The lands are accessed via MacKay Line Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Residential/Industrial
Proposed Use	Residential	Residential/Industrial
Area	1.16 ha	4.0 ha
Frontage	64 m	219 m
Depth	183 m	183 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	Private Well
Sewage Disposal	Private Septic	Proposed
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural and Industrial
-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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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 2 General Development Policies, Section 2.21 Natural Heritage features, Section 2.22 Water Supply, Sewage Disposal, 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 7 Industrial Zone, Section 10 Rural Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal is to sever a 1.16 ha lot with an existing dwelling and retain a 4.0 ha parcel of land with two outbuildings.

Official Plan – Section 3.62. Rural designation permits residential use and industrial use. Section 5.2 Consent – frontage on a public road is met. Section 2.21 Natural Heritage – a small wetland is located on the property. Section 2.17 Development where Agricultural and Non-agricultural Uses are Adjacent – MDS was calculated from the neighbours'

horse barn and was met.

Zoning – rural and industrial – Applicable Sections – 10.1.1 Residential use is appropriate. 7.1.1 Outbuildings are appropriate. 10.1.2, 7.1.2 Lot area of 1 ha is met for both the proposed severed and retained lot.

MRSSO has no objections to the application.

MVC noted a 30 m setback would be required from the wetland (which can be met) and has no objection to this application.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfer(s) be submitted to the Township.
4. That, the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement.
5. That, the two parcels of land share a driveway and that the applicant submit the required fee(s) in order to obtain separate Civic Addresses for each parcel of land.

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.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 1.16 ha parcel of land with an existing dwelling and outbuildings and retain 4.0 ha, also with an existing dwelling and outbuildings.

PROPERTY CHARACTERISTICS

As revealed by a review of available GIS mapping, a small unclassified wetland exists on the proposed retained lands. No other natural heritage features or natural hazards were identified on the subject property.

REVIEW

Natural Heritage Values

Wetland

As previously indicated, an unclassified wetland was observed on the proposed retained lands. Due to the numerous environmental benefits of wetlands, which range from fish habitat to acting as a natural filtration system for clean groundwater, MVC strongly encourages their preservation.

Natural Hazards

Organic Soils

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development.

RECOMMENDATIONS AND CONCLUSIONS

MVC has no objection to the subject application. Both lots are already developed and no new development is proposed at this time.

NOTES

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

We recommend that the wetland, on the proposed retained land, remain undisturbed and that any potential future development should be directed outside of these areas.

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

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

On-Site Services (Septics) – Mississippi Rideau Septic System Office June 24 2011

A site visit was conducted at the above mentioned property by our office on June 24, 2011, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately a 1.16 hectare parcel, with approximately 64m of road frontage. The purpose of the consent, as identified by the applicant, is to create a new lot. The proposed lot is currently developed with a dwelling and existing septic system, Permit# 07V019.

The retained parcel is approximately 4.05 hectares in area. There is a work shop and storage shed located on the property. There is a pond to the east of the structures. The applicant indicates there is a well for the workshop and no septic system.

The severance will not interfere with the existing septic system on the severed parcel or limit the ability to operate, maintain or replace the system in the future. The retained parcel is of sufficient area and topography to install, maintain and operate a Class 4 septic system. Given the above information, our office has no objections to the severance as proposed.

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

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.16-ha lot with an existing dwelling and outbuildings,

and retain a 4.0-ha lot with an existing workshop and storage shed.

The subject lands are located in an area characterized by residential on large landholdings and vacant landholding along MacKay Line Road. The Mississippi River lies to the north of the lots.

A livestock housing facility is located to the west of the lot being proposed. The facility currently houses horses. Due to the proximity an MDS calculation was undertaken which requires a minimum separation distance of 37 m. However the lot being created is already developed, therefore the MDS does not apply.

The lands are accessed via MacKay Line, a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – tectonites, straight gneisses

The area has considerable land masses mapped as ‘woodlands’, however, the lands to be severed do not fall within these areas. Woodland Development Policies have not been established by Tay Valley Township.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

The Provincial Policy Statements encourages economic opportunities within the rural area. The proposed retained lot currently functions as a “Workshop 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.

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 – August 29, 2011**

Mark Garvock, owner, attended the hearing and gave evidence under oath.

Mr. Garvock questioned the requirement to have a 'shared' entrance and was advised to discuss this directly with the Tay Valley Road Superintendent. Mr. Garvock also asked if he sold the entire lands could the new owner complete the consent process and was advised that yes, this could be undertaken,, however he would have to include a notation in the "Purchase and Sale Agreement" that the purchase also include the consent process currently being undertaken.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

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

The applicant shall consult directly with the Township in this regard.

9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. A letter shall be received from Tay Valley Township stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that any proposed works in or near the wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
2. *MVC also recommends that the wetland, on the proposed retained land, remains undisturbed and that any potential future development should be directed outside of these areas.*
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 lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. Tay Valley Township will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Hector & Hilda Cowan **Hearing Date:** August 29, 2011
Agent: Malcolm R. Brown
LDC File #: B11/097
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 8/9 **Concession:** 5
Roll No. 0911 911 025 18000 & 0911 911 025 15000 **Consent Type:** relocation of R-O-W
W

Purpose and Effect: To sever a parcel of land to relocate an existing right-of-way locally known as Tully's Way Road Rte D.

(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.

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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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 of site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

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

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

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 Policies, Section 3.6 Rural Policies, Section 4.5 Private Roads, section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 5.2 Seasonal Residential Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal is to relocate an existing right-of-way over a neighbour's property to recognize a travelled right-of-way.

The application is consistent with the PPS, conforms to the Official Plan and complies with the Zoning By-law.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and

- any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
 3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfer(s) be submitted to the Township.
 4. That, the right-of-way be established with a minimum width of 9m.

(c) PLANNING REVIEW

The applicant proposes to sever a parcel of land to relocate an existing right-of-way locally known as Tully's Way Road Rte D.

The subject lands are located in an area characterized by Seasonal Residential on typical smaller type 'cottage' lots along the shore of Long Lake.

A 'State of the Lake "Report has not been undertaken for this lake.

The lands are located within 300 m of Primary Water Source (Long 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

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.

Jeff Singer - July 29, 2011

I own a summer residence at 3014 Tully's Way, Route D (Con 5 Pt Lot 9 RP 27R31 Part; 5. Roll No. 091191102518800) which is adjacent to the subject property of the Application noted above.

While I have no objection to my neighbours, the Browns, relinquishing their access to the existing Right of Way and establishing a new Right of Way across the Cowan's property, I want assurance that access to my property across the Cowan's property along the same existing Right of Way remains in place. In other words, I do not intend to relinquish my access to the Right of Way.

At the risk of confusing matters, the Browns have agreed to relinquish their existing Right of Way across my property onto their lot. It could be inferred from the map included in the Application for Consent that this understanding and agreement is included in this Application. If not, would it be possible to include this understanding and agreement between the Browns and I in this current Application? If not, the Browns and I will submit a subsequent application.

Please confirm your receipt of this letter and advise as to what further steps are necessary for me in this matter.

(e) **MINUTES – August 29, 2011**

Malcolm Brown, agent and Jeff Singer, adjacent landowner, attended the hearing and gave evidence under oath.

Mr. Singer advised that he uses Part 12 on the Survey Plan to gain access to his property from Tully's Way Route D and that if this part of the R-O-W were to be relocated his access would be eliminated.

Mr. Brown advised that he would be the only 'user' of the new r-o-w; however a bell line/hydro line may be within the area of the r-o-w.

The Committee agreed that a condition that only Mr. Brown relinquish his rights to Part 12 to be included as a condition.

The committee reviewed the staff report and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. That Malcolm R. Brown and Graham Brown, 3016 Tully's Way Rte D relinquish their rights to that portion of the right-of-way described as Part 12 on the sketch attached to Consent Application B11/097.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. The deed of land required by condition #1 shall establish the right-of-way width at a minimum of 9 m where possible.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.

7. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide Tay Valley Township with a copy 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. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

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

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: John Kenny & Elizabeth Krivonson **Hearing Date:** August 29, 2011
Agent: Susan Fortin
LDC File #: B11/098
Municipality: Township of Drummond / North Elmsley
Geographic Township: Drummond **Lot:** 25 **Concession:** 8
Roll No. 0919 919 025 28100 **Consent Type:** R-O-W

Purpose and Effect: To sever a parcel of land with an existing right-of-way locally known as Ebb's Bay Drive.

(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.

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 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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 of site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

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

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

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.12 Flood and Fill Lines, Section 4.3 Rural Policies, Section 5.5 Private 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 10 Limited Services Residential exception (LSR-18)

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 – Planner's Report

Please be advised that I have reviewed the above noted consent application and have determined that the proposed consent is consistent with the Township's Official Plan and the intent of the Zoning By-law.

Unlike most other consent applications this one is not done with the intention of facilitating development but rather to formalize a long standing legal arrangement between the owners of the subject land (Kenny and Krivonson) and the Ebb's Bay Road Property Owners Association, which owns the adjacent private road which services the cottages along this portion of Mississippi Lake. While Mr. Kenny and Ms. Krivonson own the entirety of the subject lands, the portion to be severed (known as Part 2 in Registered Plan 27R-9407) has been granted by previous owners as a registered right of way to adjacent

cottage owners in 1982. This part is the only section of Ebb's Bay Road not currently owned by the Association and its current owners do not wish to retain ownership of the road for liability concerns. While Planning Act consent was given in 1982, the applicant's lawyer has advised that as this consent was for a right-of-way, planning permission should be sought to transfer the interest in fee simple title to the Association.

The minimum lot size in the Limited Services Residential-Exception 18 Zone, in which these two parcels fall, is 4,000 square metres. While this severance may reduce the size of the retained lot below this threshold it would not be by much and Staff do not feel a minor variance or zoning amendment is necessary as this application simply strengthens a legal arrangement that has been in place for some time and also that the severance does not reduce any building envelope on the retained lands given the existing road right-of-way will not change. The subject lands acquired the LSR-18 zoning in 2010 which permitted the construction of an accessory building without a primary dwelling on site. Mr. Kenny owns land on the other side of Ebb's Bay Road fronting the lake on which there is a dwelling. This severance has no implication on the zoning and any future development on the rear lot, should Mr. Kenny ever sell, will be subject to the usual exterior side and front yard setbacks.

Given the foregoing, Township Staff believe that this application is consistent with the Township's Official Plan and the intent of the Zoning By-law and as such support the above severance provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The severed lands shall be for a lot addition only to adjacent lands owned by the Ebb's Bay Road Property Owner's Association.

(c) **PLANNING REVIEW**

The applicant proposes to sever a parcel of land with an existing right-of-way locally known as Ebb's Bay Drive to legalize the right-to-use that has been enjoyed by the cottage owner's along Ebb's Bay Road for many years.

The subject lands are located in an area characterized by seasonal residential on typical 'cottage' type lots along the shore of Mississippi Lake.

The lands are located within 300 m of Primary Water Source (Mississippi Lake) and therefore are subject to archaeological potential. However, no new development is proposed.

A "State of the Lake Environment Report" was undertaken on Mississippi Lake in 2002 and 2006. The reports were able to conduct a comparison between water quality conditions as they existed in 2006 and 2002, to results obtained some 30 years earlier. In general the water quality in Mississippi Lake is good. Chlorophyll a testing indicated

that the average a density for the Lake has dropped almost five times between 1975 and 2006. However, nutrient loading has increased, therefore every effort should be made to reduce nutrient loading into the lake from land use activities. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents and property owners need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

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 – August 29, 2011**

No persons attended.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
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 #3 and #4 has been fulfilled to their satisfaction.

NOTES

1. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*