



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, November 28, 2011 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: D. Murphy and W. Guthrie

Member Absent: R. Strachan

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**1. CALL TO ORDER**

In the absence of the Chair, the Secretary-Treasurer called the meeting to order and called for an appointment of Chair for the November Meeting and Hearing.

W. Guthrie nominated D. Murphy who accepted the position.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None.

**3. APPROVAL OF MINUTES**

**MOTION #LD-2011-029**

**MOVED BY:** W. Guthrie

**SECONDED BY:** D. Murphy

**"THAT, the minutes of the Land Division Committee meeting held on October 24, 2011 be approved as circulated."**

**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2011-030**

**MOVED BY:** W Guthrie

**SECONDED BY:** D Murphy

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

**ADOPTED**

**5. DELEGATIONS & PRESENTATIONS**

None.

**6. COMMUNICATIONS**

**6.1 B11/025 – D Norval Wilson – lot addition – Lanark Highlands**

Lanark Highlands has requested re-consideration of the LDC Decision regarding application B11/025 D Norval Wilson.

“**THAT** in order to maintain a more desirable lot configuration, taking into consideration that these lots are located within the designated ‘settlement area’, the Township requests that the Land Division Committee consider the following revision to B11/025 - that Mr. Wilson’s retained lands be reduced to only those lands that would ‘square-off’ is lands at the same rear lot line as the adjacent store property, owned by Mr. B. Wark, provided that Mr. Wilson submit three (3) further applications for lot additions to the S Pretty property, United Church property, and the G. Yuill property;

**AND THAT** It is our opinion that this development proposal meets the Planning Principles as set out in the Official Plan and achieves a balance between the existing pattern of land use within the ‘settlement area’;

**AND** subject to authorization by Mr. Wilson.”

The Committee reviewed the sketch and the merits of the proposal.

**MOTION #LD-2011-031**

**MOVED BY:** W Guthrie

**SECONDED BY:** D Murphy

“**THAT**, the Consent Application B11/025, Wilson Provisional Conditions be changed as follows:

Insert New No. 2     The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the “revised Sketch” dated November 24, 2011.

Insert New No. 3     That D Norval Wilson submit three (3) additional consent applications for lot additions to properties owned by G. Yuill, the United Church and S. Pretty.

Conditions 2 through 10 be renumbered to 4 through 12.”

**ADOPTED**

**6.2 B11/044 – Brian and heather Ricardo – Tay Valley**

Tracy Zander, agent for the application request requests that the Committee re-consideration application B11/044 to change the conditions to reflect an increased lot size in excess of the 10% to 15% allowable without recirculation.

Committee reviewed the agency comments that were previously submitted and agreed that re-circulation was not required.

**MOTION #LD-2011-032**

**MOVED BY:** W Guthrie

**SECONDED BY:** D Murphy

“**THAT**, the Consent Application B11/044, Ricardo Provisional Conditions be changed as follows:

Insert New No. 2 The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the revised Sketch” dated November 23, 2011.

Conditions 2 through 11 to be renumbered 3 through 12.”

**ADOPTED**

**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 B11/119 – William MacPherson & Sue Brisson – new lot**

Pt Lot 2 Conc. 8 geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Armstrong Road).

**7.1.2 B11/127 – Lorne and Susan Musselman – lot addition and R-O-W**

Pt Lot 10 Conc. 12, Township of Beckwith. (Knowlton Place Road).

**7.1.3 B11/128, B11/129 & B11/130 – Michael Sterkenberg and Michelle Morin – three (3) new lots.**

Pt Lot 1 Conc. 1, Township of Montague. (Gilroy Road).

**7.1.4 B11/150, B11/151 & B11/152 – Murray & Muriel Code – three (3) new lots.**

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

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

**7.2.1 B11/103 – William John Sels – new lot**

Pt Lot 18 Conc. 9, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Foster Side Road).

**8. CONFIDENTIAL REPORTS**

**None**

**9. NEW/OTHER BUSINESS**

**9.1 Ghinn OMB Appeal**

The Secretary provided an update on the Ghinn B11/072 OMB Appeal Application. Greg Meeds of Vice Hunter Labrosse LLP will be the legal representative for the County and David Krajaefski of Stantec Consulting will be the planner representing the County. The hearing has been scheduled for 2 days in either February or March 2012.

**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 B11/119 – William MacPherson & Sue Brisson – new lot**

**10.1.2 B11/127 – Lorne and Susan Musselman – lot addition and R–O–W**

**10.1.3 B11/128, B11/129 & B11/130 – Michael Sterkenberg and Michelle Morin – three (3) new lots.**

**10.1.4 B11/150, B11/151 & B11/152 – Murray & Muriel Code – three (3) new lots.**

**10.2 PROVISIONAL CONSENT DEFERRED**

**10.2.1 B11/103 – William John Sels – New Lot**

**11. UPCOMING MEETINGS**

Monday December 19, 2011,  
Monday January 23, 2012,  
Monday February 27, 2012, and  
Monday, April 2, 2012

**12. ADJOURNMENT – 11:00 a.m.**

A handwritten signature in black ink, appearing to read "Mary Kirkham". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** William MacPherson & Sue Brison **Hearing Date:** November 28, 2011

**Agent:** N/A

**LDC File #:** B11/119

**Municipality:** Township of Drummond/North Elmsley

**Geographic Township:** North Elmsley **Lot:** 2 **Concession:** 8

**Roll No.** 0919 908 010 42700 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 10.0-ha vacant landholding, together with an r-o-w in favour of the abutting lands (N Pt Lot 2 Conc. 8) and retain a 10.0-ha vacant landholding. The lands are accessed via Porter Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Pasture/Bush	Vacant
<b>Proposed Use</b>	Residential/Hobby Farm	Vacant
<b>Area</b>	10.0 ha	10.0 ha
<b>Frontage</b>	250 m	250 m
<b>Depth</b>	400 m	400 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Proposed well	Proposed well
<b>Sewage Disposal</b>	Proposed septic	Proposed
<b>Official Plan Designation -Conformity?</b>	Rural and Aggregate Influence Area Yes.	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	45 m	45 m
<b>-Compliance?</b>	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.

### **2.5 Mineral Aggregate Resources**

Section 2.5.1 Mineral aggregate resources shall be protected for long-term use.

Section 2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impacts.

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas Section 4.3 Rural Policies, Section 5.3 Local Roads.

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

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

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

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

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

Township of Drummond/North Elmsley – Planner's Report

Please be advised that I have reviewed the above noted consent application and offer the following comments.

It is my understanding that this severance application seeks to divide property owned by William MacPherson and Sue Brison to create a 10 hectare landholding and retain a 10 hectare landholding. Both parcels will front on Porter Road. Presently both lots are vacant and the retained lands are currently and will continue to be used for pastureland. The severed lands will be transferred to the applicants' niece and will eventually be used for a house and a hobby farm. This parcel is a mixture of woodland and rough pasture.

The severed and retained lands are zoned Rural according to the Township's Zoning By-law and both new lots would meet all provisions of that zone. While the entire existing landholding is designated Rural according to the Township's Official Plan, I note that approximately half of the severed lands are located within the influence area of an aggregate pit reserve. When a new lot is proposed to be created within the influence area of an aggregate pit or quarry (300 metres in this case), it is the Township's usual practice, in accordance with Policy 3.18.3.2 of the Official Plan, to require the applicant submit an impact study to demonstrate that any new residential development would not adversely impact the extraction of the resource or vice versa. In this case however, I am



satisfied that given that there is sufficient building space outside the influence area, an impact study is not necessary at this time, however the applicants will need to know that one will be required if they wish to build within the portion of the lot that is within that influence area.

Additionally it should also be noted that as the severed lot is within 500 metres of a dairy barn (currently unused) a Minimum Distance Separation report was prepared. However, as the provided minimum separation distance from the barn does not overlap either the severed or retained lands this will not pose a constraint to any future residential development.

While the Township's mapping does not indicate that the lands fall within the influence area of a wetland, it is my understanding that the Rideau Valley Conservation Authority has identified locally significant wetlands on the other side of Porters Road and that the influence area of said wetland extends a small amount onto the subject lands. As such, any development within this influence area would be subject to the approval of RVCA, although this does not apply to a significant amount of land.

Given the foregoing, noting the sufficient amount of building space outside any buffers or influence areas, Drummond/North Elmsley Township supports 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.

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

- That the balance of any outstanding taxes shall be paid to the Township
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 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 the Influence Area of an aggregate deposit which is located to the west in part of Lot 3, Concession XIII, Geographic Township of North Elmsley, Township of Drummond/North Elmsley. As such it may be exposed to impacts typically associated with such a use including noise, dust, vibration and other nuisances should a quarry operation be established on the property in the future. Prior to the issuance of a building permit, the property owner may be required to submit an impact study in accordance with the requirements of the Township and Province.
- 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 – Sept 6, 2011

The Rideau Valley Conservation Authority has completed a review of the above noted application as it relates to Section 2.1 Natural Heritage (wetlands) and 3.1 Natural Hazards (flood plain) of the Provincial Policy Statement under Section 3 of the Planning Act. Lands within 120 metres of the wetland boundary are now regulated under the Conservation Authorities. The RVCA's regulation is known as O.R.174-06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation.

The application seeks to sever a new 10 ha in size from the existing farm parcel, to leave a retained lot, also 10 ha in size.

A portion of the proposed severed lot is contained within the 120 metre "adjacent lands" of the Provincially Significant Wetland known as the Swale which is regulated under O.R.174-06 (a substantial portion of the proposed severed lot is also noted on our mapping as being locally significant). There does, however, appear to be adequate area for development on the east side of the proposed severed lot, without the need to encroach into the area which is regulated (see attached mapping) or which is identified as locally significant.

At this time we are not requesting the completion of an Environmental Impact Study for development provided it can be confirmed that the site development/disturbance will be situated on the east side of the lot, outside the regulated area.

The property owner should be advised that written permission from the Conservation Authority is required for any development activity (construction, filling activity, excavations, site grading or stockpiling of fill) in or within 120 metres of the wetland. Any development within the regulated area may require the completion of an Impact Assessment by a qualified professional.

The Rideau Valley Conservation Authority has no objection to this severance application provided a condition of consent requires that development is to be situated outside the regulated area delineated on our mapping.

We also note that the Ford Drain (Class C municipal drain) appears to run along the north lot line of the severed parcel. Under the same regulation 174-06, noted above, any alteration to the watercourse may require permission from the RVCA.

Thank you for the opportunity to comment and please do not hesitate to contact the undersigned at 613-267-5353 x 131 should you have any questions.

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

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

Severed – A 10 hectare parcel, land is a combination of open agricultural field and scrub brush. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 10 hectare vacant parcel of agricultural land. Land is 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 10.0-ha vacant landholding and retain a 10.0-ha vacant landholding.

The subject lands are located in an area characterized by Residential on large landholdings intermixed with customary type residential lots along Porter Road. A designated Aggregate Reserve is located to the west of the proposed severed lot, resulting in a portion of the lot falling within the influence area of an aggregate reserve. However sufficient area is available outside this influence area for a building envelope.

An existing r-o-w (private driveway) is located on the lands to be severed. The deed for the lands will require a 'subject to' clause to provide for the continuance of the right-of-way.

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

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 3 – moderate limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – dolostone, sandstone

The area has does not contain any 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 Township of Drummond / North Elmsley.

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 – November 28, 2011**

William MacPherson, applicant attended the hearing and gave evidence under oath.

Mr. MacPherson advised that the r-o-w to the lands to the north has been in existence for over 100 years, and that the deed describes this laneway as being 20 feet in width. Also, the aggregate operation to the west is very small and has only limited use.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the abutting lands (N Pt Lot 8 Conc. 2 North Elmsley).
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is located within the Influence Area of an aggregate deposit which is located to the west in part of Lot 3, Concession XIII, Geographic Township of North Elmsley, now in the Township of Drummond/North Elmsley. As such it may be exposed to impacts typically associated with such a use including noise, dust, vibration and other nuisances should a quarry operation be established on the property in the future. Prior to the issuance of a building permit, the property owner may be required to submit an impact study in accordance with the requirements of the Township and Province.

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. 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. 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.
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 written permission from the Conservation Authority is required for any development activity (construction, filling activity, excavations, site grading or stockpiling of fill) in or within 120 metres of the PSW wetland, known as the Swale. Any development within the regulated area may require the completion of an Impact Assessment by a qualified professional.*
2. *The RVCA also advises that any alteration to the watercourse known as the Ford Drain (Class C municipal drain) may require permission from the RVCA under Regulation 174-06.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
4. *The 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.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Lorne and Susan Musselman  
**Agent:** ZanderPlan Inc. (Tracy Zander)  
**LDC File #:** B11/127

**Hearing Date:** November 28, 2011

**Municipality:** Township of Beckwith  
**Geographic Township:** Beckwith

**Lot:** 10      **Concession:** 12

**Roll No.**      0924 000 025 21001

**Consent Type:** Lot Addition and Shared R-O-W

**Purpose and Effect:** To sever a 0.79-ha parcel of land as a lot addition to lands owned by Lorne and Susan Musselman at Pt Lot 10 Conc. 12 Beckwith, together with a shared R-O-W.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Addition to Residential	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.79-ha 14.66 m Irregular Private Road	1.88-ha 45 m (Water Frontage 69.8m) 417.86 m Private Road
<b>Water Supply</b> <b>Sewage Disposal</b>	n/a n/a	Private Well Septic System
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural and Wetlands Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Rural, Limited Services and Floodplain. n/a – lot addition	Rural, Limited Services and Floodplain. 0.4-ha Yes 45 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

Section 2.1.4 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 4 General Development Policies, Section 4.5 Division of Land, Section 6 Rural Areas, Section 6.4 Flood Plain, Section 7.4 Private Roads, Section 9.10 Committee of Adjustment of Land Division Committee

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

Zoning By-law - Section 3 General Provisions, Section 11 Rural Zone, Section 12 Flood Plain Zone.

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

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

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

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

1. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
2. That a paper copy of the registered reference plan be provided to the Township of Beckwith.
3. That the location of entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.

Conservation Authority – Mississippi Valley Conservation – Oct 6, 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 application is to sever 0.79 ha as a lot addition to the adjacent lands. The retained land is 1.88 ha with 69.8 m of water frontage. The retained lands and the lot to be enlarged are already developed.

#### **PROPERTY CHARACTERISTICS**

According to a review of available GIS mapping and aerial photography, the subject property has frontage on Mississippi Lake. In addition, a review of MVC's flood plain mapping revealed that the retained lands and the lot to be enlarged are partially located within the 1:100 year flood plain and the Regulation Limit of the lake.

## REVIEW

The proposed retained lands and lot to-be-enlarged are already developed with no new development proposed at this time. In addition, MVC is satisfied with the size of the resulting retained lands.

## CONCLUSION AND RECOMMENDATIONS

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

## NOTES

With respect to the retained land and the lot to-be-enlarged, we assume that any potential future development will comply with the zoning provisions; particularly with respect to waterbody setback and the requirement to maintain a vegetated buffer along the shoreline.

The applicant should be advised that a portion of the subject property is regulated under Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Therefore, written permission is required from MVC prior to the initiation of any potential future construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or Regulation Limit, or for any alterations to the shoreline of Mississippi Lake.

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

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** – The parcel to be severed is 0.79-ha. It is intended to be added to the property known as 100 Knowlton Place Rd, which contains a 2-storey house. The majority of this property to be severed is gravel driveway. There are some treed portions.

**Recommendations** – the land is intended to be added to 100 Knowlton Place Road which contains a residence with an existing septic system.

**Retained** – The parcel to be retained is 1.88-ha and contains a residence and garage.

The well is in front of the house and the septic system appears to be behind the house.

**Recommendations** – There will be sufficient property to replace the septic system when required in the future, should the severance be granted.

Hydro One Networks – No comments were received.

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

**(c) PLANNING REVIEW**

The applicant proposes to sever 0.79-ha parcel of land, together with a right-of-way as a lot addition to lands owned by Lorne C and Susan E Musselman at Pt Lot 10 Conc. 12, Township of Beckwith (100 Knowlton Place Road) and retain a 1.88-ha residential lot with an existing dwelling at 109 Knowlton Place Road. Both the lands to be enlarged and the lands to be retained have an existing dwelling.

The subject lands are located in an area characterized by Residential and Seasonal Residential on small type water orientated lots along the shore of Mississippi Lake. A Trailer Park is located to the north west and the private road exits onto Highway No. 7.

The lands are accessed via Knowlton Place Road, a private right of way.

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 the Township of Beckwith.

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

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

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

**(d) PUBLIC INPUT**

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 – November 28, 2011**

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

Ms. Zander advised that the lot was an odd shape as the applicants wanted to retained some of the treed area which contained some walking trails, as well this area will provide room to construct a future garage/tool shop and the siting of a new septic system when required in the future.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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 Lorne Charles and Susan Elizabeth Musselman described as Part Lot 10 Conc. 12, Township of Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. An appropriate right-of-way shall be reserved over the lot to be severed in favour of the lot to be retained and all those who are currently entitled.
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 Beckwith.
6. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.

7. A letter shall be received from the Township of Beckwith stating that condition #5 and #6 has been fulfilled to their satisfaction.

## **NOTES**

1. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *The Mississippi Valley Conservation advises that with respect to the retained land and the lot to-be-enlarged, any potential future development will comply with the zoning provisions; particularly with respect to waterbody setback and the requirement to maintain a vegetated buffer along the shoreline.*
3. *The MVC also advises that a portion of the subject property is regulated under Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Therefore, written permission is required from MVC prior to the initiation of any potential future construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or Regulation Limit, or for any alterations to the shoreline of Mississippi Lake.*
4. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
5. *Residents and users of Mississippi Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
6. *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.*
7. *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:** Michael Sterkenburg & Michelle Morin      **Hearing Date:** November 28, 2011  
**LDC File #:** B11/128, B11/129 & B11/130  
**Municipality:** Township of Montague  
**Geographic Township:** Montague      **Lot:** 1      **Concession:** 1  
**Roll No.** 0901 000 010 19410      **Consent Type:** New Lots

**Purpose and Effect:** To sever three (3) residential building lots (4.16-ha, 5.8-ha and 3.67-ha) and retain a 13.45-ha landholding with an existing dwelling, barn and sheds (128 Heritage Drive). The lands to be severed are accessed via Gilroy Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/128	B11/129	B11/130	
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential	Vacant Residential	Farm Farm
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	4.16 ha 131.1 m 317 m Municipal Rd	5.8 ha 182.9 m 317 m Municipal Rd	3.67 ha 115.8 m 317 m Municipal Rd	13.45 ha 424.2 m 317 m Municipal Rd
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed well Proposed septic	Proposed well Proposed septic	Proposed well Proposed septic	Private well  Private septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes			
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Rural  0.4-ha Yes 46 m Yes		Rural  0.4-ha Yes 46 m Yes	

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

Official Plan – Section 4 General Development Policies, Section 5 Rural Lands Policy, Section 14.7 Committee of Adjustment and Land Division Committee.

The Township of Montague advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 18 Rural Zone.

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

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

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

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

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

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application for the creation of 3 new residential lots on the subject site. The review has been undertaken within the scope of our mandate under the Conservation Authorities Act. In accordance with our MOU we have undertaken the review within the context of Sections 2.1 (Natural Heritage), 2.2 (Water) and 3.1 (Natural Hazards) of the Provincial Policy Statement (PPS) under Section 3 of the Planning Act dated March 2005 and local municipal policies in effect at the time the application was made where these policies



exceed the PPS. The review has also included consideration for any associated regulatory requirements contained under Section 28 of the Conservation Authorities Act in accordance with our MOU with the Province. As well there has been consideration for the habitat provisions (Section 35) of the Canada Fisheries Act in accordance with our agreement with Fisheries and Oceans Canada.

### **Recommendation**

We wish to advise the committee that the Conservation Authority has no objection to these applications.

For the information of the applicants and future owners, the Committee may wish to include in any required Development Agreement the following information:

*Retained lot:* That a Development Agreement between the Township and the applicant notify owners that lands adjacent Rideau Creek are within the identified 1:100 year floodplain of the watercourse. The 1:100 floodplain is subject to Ontario Regulation 174/06, under Section 28 of the *Conservation Authorities Act*. Any site alteration, including construction, grading, development of access driveways/routes within this boundary requires a permit from the RVCA under the “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” regulation.

*B11/130:* That a Development Agreement between the Township and the applicant notify owners that the small watercourse (tributary to the Rideau River) is subject to Ontario Regulation 174/06, under Section 28 of the *Conservation Authorities Act*. Any alterations to the watercourse or its banks requires a permit from the Rideau Valley Conservation Authority.

The map schedule ‘A’ shows the watercourse and the limits of the 1:100 year floodplain of Rideau Creek and the boundaries of O.Reg 174/06.

### Detailed comments/rationale:

#### Hazards

Based on the information provided and our mapping, portions of the retained lot are within the 1:100 year floodplain of Rideau Creek. There appears to be a sufficient development envelope outside of the floodplain of Rideau Creek on the retained lot (both north and south sections). Any works (grading, construction etc) within the regulated area will require a permit (under O.Reg 174/06),

#### Natural Heritage

There are no natural heritage issues *precluding* the approval of these applications.

Based on the information provided and our mapping, there appears to be a sufficient development envelope on severed lot B11/130 (identified as Pt. 3) to construct a residence and associated private services outside of a 30 metre setback from the small watercourse traversing the site.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – B11/128 – The property to be severed is 4.16 hectares. It is currently vacant consisting of field and wooded area. There is at least 0.3 m of topsoil. The septic system for the future residence may need to be partly raised using imported sandy loam fill, depending on the exact location.

Severed – B11/129 - The property to be severed is 5.8 hectares. It is currently vacant consisting of field and wooded area. There is at least 0.3 m of topsoil. The septic system for the future residence may need to be partly raised using imported sandy loam fill, depending on the exact location.

Severed – B11/130 - The property to be severed is 3.67 hectares. It is currently vacant consisting of field and wooded area. There is at least 0.3 m of topsoil. The septic system for the future residence may need to be partly raised using imported sandy loam fill, depending on the exact location.

Retained – The property to be retained is 13.45 hectares. It contains a residence and outbuildings. The property has fields and some trees and is intersected by the Rideau Creek. Elevations vary. The septic system is located on the southern portion of the retained lands and services the residence. The severance will not affect any future replacement.

#### Ministry of Natural Resources –

The Ministry of Natural Resources (MNR) Kemptville District has carried out a preliminary review of the area in order to identify any potential natural resource and natural heritage values in the area.

Following a review of natural heritage values and data, there are no Provincially Significant Wetlands or Areas of Natural and Scientific Interest (ANSI) within the area; however there is a substantial amount of woodland area and some unevaluated wetland areas within the property. Both woodlands and wetlands provide habitat for a diversity of species, including species at risk. The property contains part of Rideau creek which drains into the Rideau River nearby. The Rideau River contains documented fish nursery habitat for several species in proximity to the site.

If any in-water works are to occur in relation to the project, there is a timing restriction period for which work in water can take place. In addition, where at all possible, the bed of waterbodies should not be disturbed so as not to alter the existing rock material. Proper sediment and erosion controls are required to be employed during this project.

The bed of the Rideau Creek is considered Crown Land, therefore if work is to occur in water and/or disturbance of the creek bed is anticipated, additional and more detailed plans are requested by the MNR for review. A work permit from the Ministry of Natural Resources will be required pending further details regarding any proposed works within Rideau Creek. Furthermore, the local Conservation Authority should be contacted regarding possible permitting required for these particular works at the site in question.

With the new Endangered Species Act (ESA, 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of the legislation. A review of the Natural Heritage Information Centre (NHIC) and internal records indicate that there is a potential for Butternut (Endangered Species-END) on-site and Eastern Musk Turtle (Threatened-THR), Blanding's Turtle (THR), Least Bittern (THR), and Black Tern (Special Concern-SC) in proximity to the area. Aerial photographs suggest the presence of potential habitat for Bobolink (THR), Whip-poor-will (THR), Chimney Swift (THR), Loggerhead Shrike (Endangered-END) Eastern Ribbonsnake (SC), Milksnake (SC), and Snapping Turtle (SC) on the site or nearby. Care should be taken during the proposed work to ensure mitigation measures are in

place to ensure no impact on these species occurs. Given the proximity and scale of the proposed work, these species may be directly affected, therefore due diligence should be taken during the work to ensure no impact on these species occurs. If the proposed activity is known to have an impact on the species mentioned above or any other SAR, an ESA permit is required. Species listed as Special Concern on the SARO list are protected under the Endangered Species Act, 2007. However, please note that some of these species may be protected under the Fish and Wildlife Conservation Act. Suggested search and mitigation measures for the aforementioned species are listed below:

Turtles: A thorough sweep of the aquatic area should take place before any in water work occurs. A sweep of the area will encourage any turtles possibly utilizing the site to move away before any equipment or work which could impact the species occurs. Furthermore, extra care and precaution should be taken during the snapping turtle species nesting season in June and early July. Turtles may utilize the embankment to come up and nest during this time. If the proposed work will occur during this timeline, Ministry of Natural Resources (MNR) recommends fencing off the site in early spring to prevent the turtles from nesting there and to visually inspect the embankment and surrounding area to ensure that no turtles are present before proceeding with any work. In addition, caution should be taken from October 16th to March 15th as turtles could be hibernating. Turtles could use the area to burrow in for the winter. If the proposed work will occur during this timeline, Ministry of Natural Resources (MNR) recommends fencing off the site in early fall to prevent the turtles from hibernating there.

Snakes: A thorough search of the area should take place before terrestrial activity and work is being conducted. Temperature and weather conditions will drive their behaviour and they are much more visible on warm summer days when basking or moving more frequently. Extra precaution should be taken in spring emergence conditions when snakes are in concentrated areas. Vegetation at this time is undeveloped increasing visibility, and outside of spring they are more active. Snakes may use open areas to bask, but avoid these areas when it is too hot. Searches could include trees, logs ground, stumps, rock outcrops and ledges. Skin sheds can be a good indication of presence. Oviposition sites of egg laying snakes may be identified by young snakes in the fall and are usually in old trees, stumps, logs, manure piles or other decaying materials. If hibernacula and oviposition sites are suspected or known they must not be destroyed if encountered and MNR recommends fencing off the areas before proceeding with any work.

Butternut: If any of the proposed work will require harming or killing of Butternut trees, a Butternut Health Assessor will have to be contacted to assess the health of the tree before proceeding with potential permit application (prior to proposed activity). If a Butternut tree will be impacted during the work proposed, please contact your local MNR office to enquire further about the process dealing with Butternut trees.

Fish: Proper mitigation and care should be taken to mitigate impact on water quality and fish habitat, including the installation of sediment and erosion control measures, avoiding removal, alteration or covering of substrates used for fish spawning, feeding, over or nursery areas including selecting locations with sand, silt or clay substrates and where aquatic vegetation is scarce or absent.

A rigorous check/survey should be completed each day prior to activities commencing to ensure all species are outside the project area to avoid harming the species. If any of these or any other species at risk are discovered throughout the course of the work, and/or should any species at risk or their habitat be potentially impacted by on site activities, MNR should be contacted immediately and operations be modified to avoid any negative impacts to species at risk or their habitat until further direction is provided by MNR.

Bobolink, Chimney Swift, Whip-poor-will, and Loggerhead Shrike receive general habitat protection and thus any potential works should consider disturbance of possible important habitat. None of the other species listed above currently receive habitat protection, however the listed Endangered and Threatened species all receive species protection under Section 9 of the Endangered Species Act, 2007 (ESA). Although no other threatened or endangered species or their habitat have been documented in the area, these features may be present and this list should not be considered complete.

### **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.

Information with respect to SAR can be found in the online database at the Natural Heritage Information Centre (NHIC). The NHIC compiles, maintains and distributes information on species at risk and updates its information on a regular basis. We encourage you to routinely check the NHIC database to obtain the most up to date SAR information for proposed work locations. However, while the NHIC database is the best available source of data, even when there are no known occurrences documented at a site, there is a possibility that SAR may occur at a proposed work location.

**Please note:** The advice in this letter is valid until March 29, 2012 and may become invalid if:

1. The Committee on the Status of- Species at Risk. in Ontario (COSSARO) re-assesses the status of the above-named species OR adds a species to the SARO List such that the section 9 and/or 10 protection provisions apply to those species.
2. Additional occurrences of species are discovered.

3. Habitat protection comes into force for one of the above-mentioned species through the creation of a habitat regulation.

This letter has been prepared to provide preliminary information to support compliance with the ESA 2007 and does not address other requirements under other federal or provincial laws and regulations.

Although this data represents the MNR's best current available information, it is important to note that a lack of occurrence at a site does not mean that there are no Species at Risk (SAR) at the location. The MNR continues to encourage ecological site assessments to determine the potential for other SAR occurrences. When a SAR does occur on a proposed site, it is recommended that the proponent contact the 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 (such as Section 9 or 10), the proponent must contact the MNR to discuss the potential for application of certain permits (Section 17) or agreement (Regulation 242/08).

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 (4.16-ha, 5.18-ha and 3.67-ha) and retain a 13.45-ha landholding with an existing dwelling.

The subject lands are located in an area characterized by Residential on large landholdings along Gilroy Road.

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

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

Bedrock Inventory – Dolostone, sandstone

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 the Township of Montague.

An agricultural operation is located on the retained lands; therefore an MDS calculation was undertaken. The minimum setback was determined to be 177-m from the existing livestock facility. GIS indicates that the facility is approximately 680 m south of the lands being created by B11/130.

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 Montague and could be given favourable consideration.

**(d) PUBLIC INPUT**

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

**(e) MINUTES – November 28, 2011**

Michael Sterkenberg and Michelle Morin, owners attended the hearing and gave evidence under oath.

It was suggested that the applicants confirm the ownership of the bed of Rideau Creek during the surveying process.

The chair reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

**B11/128 and B11/129**

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. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
6. The applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague 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.
9. A letter shall be received from the Township of Montague stating that condition #3 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that the future residence may need to be partly raised using imported sandy loam fill, depending on the exact location.*
2. *The Rideau Valley Conservation Authority advises that lands adjacent Rideau Creek are within the identified 1:100 year floodplain of the watercourse. The 1:100 floodplain is subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any site alteration, including construction, grading, development of access driveways/routes within this boundary requires a permit from the RVCA under the*

*“Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” regulation.*

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.*



## **B11/130**

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 small watercourse (tributary to the Rideau River), located on the lands is subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any alterations to the watercourse or its banks require a permit from the Rideau Valley Conservation Authority.
4. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
7. The applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague 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.

10. A letter shall be received from the Township of Montague stating that condition #4 through #9 has been fulfilled to their satisfaction.

### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that the future residence may need to be partly raised using imported sandy loam fill, depending on the exact location.*
2. *The Rideau Valley Conservation Authority advises that lands adjacent Rideau Creek are within the identified 1:100 year floodplain of the watercourse. The 1:100 floodplain is subject to Ontario Regulation 174/06, under Section 28 of the Conservation Authorities Act. Any site alteration, including construction, grading, development of access driveways/routes within this boundary requires a permit from the RVCA under the “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” regulation.*
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. *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.*
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.*



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

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

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3 Rural Policies, section 5.3 Local Roads.

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

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

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

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

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

#### Township 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, I note that these severances were previously supported by the Township in 2010, although the approval had lapsed since the applicants were unable to fulfil all the draft conditions within the required time frame. The lots proposed pursuant to this application are the same as those previously conditionally approved by the Land Division Committee.

To summarize, the applicants are looking to create three 0.8 hectare residential lots fronting on Tennyson Road and retain an 8.1 hectare vacant landholding. Tennyson is owned and maintained by the Township. While the Codes own property on the other side of Tennyson Road, from which three lots have been created since 1979, the road functions as a lot boundary and as such, these three lots conform to the lot creation section of the Township's Official Plan. 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. Additionally, it does not appear that the presence of watercourses, wetlands or significant woodlands facilities on or near the proposed lots would preclude the creation of these severances.

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:

- That the balance of 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 – *April 28, 2010*

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

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

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

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

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
(Same comments for each application)

Severed lots – 0.8-ha vacant parcel of agricultural farmland – open field.

Recommendation

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

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

Hydro One Networks – 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 0.8-ha in size and retain a 9.7-ha vacant landholding. The subject lands are located in an area characterized by Residential along Tennyson Road. These applications are the same as those submitted in 2010 which were approved, however the applicants missed the lapsing date to transfer to lands.

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

Soils Inventory – Name: North Gower

- Stoniness: Non-stony
- CLI: 2 - moderate limitations
- Drainage: Poorly
- Hydrogeology: High run-off

Bedrock Inventory – Dolostone, Sandstone

The area has not been mapped with any 'woodlands' care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Drummond / North Elmsley.

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

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 – November 28, 2011**

Murray and Muriel Code, owners attended the hearing and gave evidence under oath. Mrs. Code questioned the reference to the Hands Quarry and advised that they were of the understanding that the quarry was closed and no longer licenced.

The chair reviewed the staff report and draft conditions and agreed that the reference to the quarry would be deleted upon confirmation from the Township that the quarry was no longer licenced, in operation or capable of being operational in the future.

(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 should apply to all three 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 aggregate operation (quarry), and that the occupants of the lot may be susceptible to noise, dust, 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 applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
7. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
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. 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.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #6 has been fulfilled to their satisfaction.

#### **NOTES**

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

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*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 B11/152**

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.*