



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, October 24, 2011 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2011-027

MOVED BY: D Murphy
SECONDED BY: W Guthrie

"THAT, the minutes of the Land Division Committee meeting held on September 26, 2011 be approved as circulated."

ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2011-028

MOVED BY: W Guthrie
SECONDED BY: D Murphy

"THAT, the agenda be adopted as circulated."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

7. REPORTS

7.1 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m.

7.1 **B10/176 – Aron Gabor – New Lot - REVISED**
Pt Lot 18 Conc. 1 Township of Beckwith. Bourne Road.

7.2 **B11/063, B11/064 and B11/065 – 2246160 Ontario Inc. – 3 new lots.**
Compiled Plan 6262 Lots 11 and 12, Town of Almonte, now in the Town of Mississippi Mills. Marshall Street.

7.3 **B11/089 and B11/090 – Cheyane Wicks – 2 new lots**
Pt Lot 24 Conc. 1, geographic Township of Lanark , now in the Township of Lanark Highlands. Galbraith Road.

7.4 **B11/095 – Adele and Gerard Chatelain – Lot Addition**
Pt Lot 6 Conc. 6, geographic Township of Darling, now in the Township of Lanark Highlands. Tatlock Road.

7.5 **B11/099 – Bernard and Winona Duffen – Lot Addition.**
Pt Lot 18 Conc. 1, Township of Beckwith. Bourne Road.

7.6 **B11/106 and B11/107 – D Wayne Shaver – 2 New Lots**
Pt Lot 3 Conc. 3, Plan 320 Lanark Village, now in the Township of Lanark Highlands.

7.7 **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 Sideroad.

7.8 **B11/104 – Leslie McMunn – Lot Addition**
Pt Lot 2 Conc. 6, geographic Township of North Burgess, now in Tay Valley Township. Elm Grove Road.

7.9 **B11/108 and B11/109 – Laurentian Camp – relocation of R-O-W and Lot Addition.**
Pt Lot 8 & 9 Conc. 1, geographic Township of Darling, now in the Township of Lanark Highlands. River Farm Lane.

- 7.10 B11/110 and B11/111 – Don and Margaret Hartwell – 2 New Lots.**
Pt Lot 113 Park Lot 24 Franktown Plan, Township of Beckwith. Richmond Road.
- 7.11 B11/115 – Tim Vokey & Beth Robertson – New Lot**
Pt Lot 18 Conc. 2, geographic Township of Lanark, now in the Township of Lanark Highlands. Stewart-Gibson Road.
- 7.12 B11/117 and B11/118 – Gordon Harrison and Claudia Smith – 2 New Lots**
Pt Lot 16 Conc. 11, geographic Township of Lanark, now in the Township of Lanark Highlands. Conc. 12C Lanark.
- 7.13 B11/121 and B11/122 – Grace Bowes – 2 New Lots**
Pt Lot 17 Conc. 7, geographic Township of Lanark, now in the Township of Lanark Highlands. Darling Road.
- 7.14 B11/123 – Thomas and Cheryl Dunlop – New Lot**
Pt Lot 11 & 12 Conc. 8, geographic Township of Dalhousie, now in the Township of Lanark Highlands. 9th Con B Dal.
- 7.15 B11/124 – Bennett Brothers Holdings – New Lot.**
Pt Lot 16 Conc. 11, geographic Township of Beckwith, now in the Town of Carleton Place. Hooper Street.

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

None

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B10/176 – Aron Gabor – New Lot - REVISED

10.1.2 B11/063, B11/064 and B11/065 – 2246160 Ontario Inc. – 3 new lots.

10.1.3 B11/089 and B11/090 – Cheyane Wicks – 2 new lots

10.1.4 B11/095 – Adele and Gerard Chatelain – Lot Addition

10.1.5 B11/099 – Bernard and Winona Duffen – Lot Addition.

10.1.6 B11/106 and B11/107 – D Wayne Shaver – 2 New Lots

10.1.7 B11/104 – Leslie McMunn – Lot Addition

10.1.8 B11/108 and B11/109 – Laurentian Camp – relocation of R-O-W and Lot Addition.

10.1.9 B11/110 and B11/111 – Don and Margaret Hartwell – 2 New Lots.

10.1.10 B11/115 – Tim Vokey & Beth Robertson – New Lot

10.1.11 B11/117 and B11/118 – Gordon Harrison and Claudia Smith – 2 New Lots

10.1.12 B11/121 and B11/122 – Grace Bowes – 2 New Lots

10.1.13 B11/123 – Thomas and Cheryl Dunlop – New Lot

10.1.14 B11/124 – Bennett Brothers Holdings – New Lot.

10.2 PROVISIONAL CONSENT DEFERRED

10.2.1 B11/103 – William John Sels – New Lot

11. UPCOMING MEETINGS

Monday November 28, 2011,
Monday December 19, 2011,
Monday January 23, 2012, and
Monday February 27, 2011

12. ADJOURNMENT – 12:50 p.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Aron Gabor **Hearing Date:** October 24, 2011
Agent: ZanderPlan Inc.
LDC File #: B10/176 REVISED
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 18 **Concession:** 1
Roll No. 0924 000 01500100 **Consent Type:** new lot

Purpose and Effect: To sever a residential building lot and retain a 38-ha landholding with an existing dwelling (1287 Bourne Road).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	1.0-ha 60 m 170 m Municipal Road	38.0-ha 184 m Irregular Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural and Wetland Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes	Rural & Wetland 0.4-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 4 General Development Policies, Section 6.5 Wetland Policies, Section 6.6 Rural Land Policies, Section 7.3 Township Roads, Section 9.10 Committee of Adjustment and Land Division Committee.

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

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

The Township of Beckwith advises that the proposal complies with the zoning bylaw regulations.

(b) AGENCY REVIEW

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

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

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 – Rideau Valley Conservation Authority

There are no natural hazard or natural heritage issues precluding the approval of this application.

However, there are significant areas on the property subject to O.Reg 174/06 “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” as administered by the Rideau Valley Conservation Authority. Any site alteration within these boundaries (as shown on the attached map) requires a permit from the RVCA.

The retained land is partially covered by the Provincially Significant Wetland (PSW) known as North Mud Lake. This wetland and the 120 metre buffer around it is subject to the aforementioned O.Reg 174/06. Furthermore, the parcel is traversed by a tributary to King’s Creek. Any activity affecting the banks or the bed of the watercourses also requires a permit.

This regulation also affects a small area within the 120 metre PSW setback on the parcel to be severed noted as #1(1287 Bourne Rd). (*NOTE: due to revisions this is now the retained portion*)

We wish to advise the committee that the Conservation Authority has no objections to these applications, however they may wish to include the above information be in the notes of the decision.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit (*NOTE: the LGL Comments have been amended to reflect revisions to the original location of the lands being severed*)

B10/176 – a 1.0-ha vacant parcel of land with lot brush and shallow soil depth over rock. Land is relatively flat. Recommendation – additional sandy loam will be required in area of future tile bed.

Retained – a 38.0-ha parcel of land with an existing house serviced by a well and septic system. There are also outbuildings on property. Land has very shallow soil dept and mainly cedar trees. Recommendation – additional sandy loam fill will be required in area of future replacement tile bed.

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

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.0-ha residential building lot and retain a 38-ha landholding with an existing dwelling. This application was revised from the original applications to show the retained lands being enlarged as per Consent Application

B11/099 (see sketch). If approved, Condition #1 should reflect that the application applies to the revised sketch dated Sept 28, 2011. The application was deferred by the applicant in order to resolve issues regarding the lot line adjustment between property owners Duffen and Gabor.

The subject lands are located in an area characterized by Residential on large landholdings, interspersed with smaller type residential lots. The area has considerable land masses designated as wetlands and floodplain which has limited development potential. In addition a large portion of the lands have been mapped as 'woodlands', however the proposed lots do not encroach into these areas.

The lands are accessed Bourne Road, a municipally maintained road.

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

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 Beckwith and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES – October 24, 2011

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

Ms. Zander provided a brief outline of the application.

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands as per the **revised sketch**, dated September 28, 2011 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 applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall obtain an entrance location permit from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
7. A letter shall be received from the Township of Beckwith stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that, there are significant areas on the property subject to O.Reg 174/06 "Interference with Wetlands and Alterations to Shoreline and Watercourses" as administered by the Rideau Valley Conservation Authority. Any site alteration within these boundaries requires a permit from the RVCA*
2. *The RVCA also advises that the retained land is partially covered by the Provincially Significant Wetland (PSW) known as North Mud Lake. This wetland and the 120 metre buffer around it is subject to the aforementioned O.Reg 174/06. Furthermore, the parcel is traversed by a tributary to King's Creek. Any activity affecting the banks or the bed of the watercourses also requires a permit.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*

5. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area on the severed lands and in the future replacement septic system area on the retained lands.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
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.

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: 2246160 Ontario Inc. **Hearing Date:** October 24, 2011
Agent: Josh Kardish
LDC File #: B11/063, B11/064 & B11/065
Municipality: Town of Mississippi Mills
Geographic Town: Town of Almonte **Lot:** 11 & 12 **Plan:** 6262
Roll No. 0931 020 020 14700 **Consent Type:** New Lots

Purpose and Effect: To re-divide Lot 11 and 12 Compiled Plan 6262 into three residential building lots. The existing residential dwelling located at 143 Marshall Street will be demolished to accommodate a new dwelling.

DETAILS OF PROPOSAL	Land to be Severed		
	B11/063	B11/064	B11/065
Existing Use	Residential	Residential	Residential
Proposed Use	Residential	Residential	Residential
Area	457.7 m2	278.6 m2	287.3 m2
Frontage	15.01	9.03	9.03
Depth	30.84	30.85	30.85
Road - Access to	Mun Street	Mun Street	Mun Street
Water Supply	Municipal	Municipal	Municipal
Sewage Disposal	Municipal	Municipal	Municipal
Official Plan Designation -Conformity?	Residential Yes		
Zoning Category	Residential 2		
-Area Required (min.)	320 m ²		
-Compliance?	B11/064 & B11/065 – minor variance has been approved		
-Frontage Required (min.)	10.0m		
-Compliance?	B11/064 & B11/065 – minor variance has been approved		

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:
 Section 1.1.1.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible before consideration is given to developing new infrastructure and public service facilities.

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

Official Plan – Section 2 Basis of Plan, section 3.6 Residential Policies, Section 4 General Policies, Section 4.6 Transportation, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 General Provisions, Section 11 Residential Type 2

The Town of Mississippi Mills advises that the proposal complies with the Zoning By-law regulations provided that there is a successful minor variance application.

(b) AGENCY REVIEW

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

Town Planner's Report

Background

The subject property is currently owned by 2246160 Ontario Inc. and has an approximate lot area of 1,020.6m² (10,986ft²) and approximately 30m (98.43ft) of frontage along both Marshall Street and Adelaide Street, which are municipally maintained roads. The applicant has concurrent minor variance applications filed for the subject property. The intent of the consent applications is to re-divide Lot 11 and 12 into three residential building lots. The existing residence on the subject property will be demolished and a single family dwelling and a semi-detached building will be constructed on the severed properties.

The lot subject to the consent application is designated Residential in the Community Official Plan and zoned Residential Type 2 (R2) Zone. The proposed development will be on full municipal services.

Consent Application Summary

Lot Severance 1 - This application is to sever a 457m² (4919.lft²) parcel of land from the existing lot to accommodate a new single family dwelling. The severed lot would have a lot frontage of 13.8m (45.3ft) on to Marshall Street. The retained lands would have a lot area of 563.7m (6,067.6ft²) and a lot frontage of 17.04m (55.9ft). The retained lands are subject to two subsequent severance applications for a semi-detached dwelling.

Lot Severance 2 - This application is to sever a 266m² (2,863.2ft²) parcel of land from the retained parcel of severance 1, to accommodate a new semi-detached dwelling. The severed lot would have a lot frontage of 8.04m (26.4ft) on to Marshall Street. The retained lands would have a lot area of 297.7m² (3,204.4ft²) and a lot frontage of 9.0m (29.5ft). The retained lands are subject to one subsequent severance application for a semi-detached dwelling.

Lot Severance 3 - This application is to sever a 266m² (2,863.2ft²) parcel of land from the retained parcel of severance 2, to accommodate a new semi-detached dwelling. The severed lot would have a lot frontage of 9.0m (25.5ft) on to Marshall Street. The retained lands would have a lot area of 0.0m² (0.0ft²) and a lot frontage of 0.0m (0.0ft).

Provincial Policy Statement

The 2005 Provincial Policy Statement speaks specifically to infill situations, these policies include:

- Section 1.1. Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns: Section 1.1.1 Healthy, liveable and safe communities are sustained by:
 - (a) promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term
 - (e) Promoting cost effective development standards to minimize land consumption and servicing costs.
- Section 1.1.3.1: Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.
- Section 1.1.3.2: Land use patterns within settlement areas shall be based on:
 - o Densities and mix of land uses which:
- Efficiently use land and resources;
- Are appropriate for and efficient use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- Minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and
 - o A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3.
- Section 1.1.3.3: Planning Authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- Section 1.1.3.4: Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.
- Section 1.4.3: Planning Authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market are by:
 - (d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed; and
 - (e) Establishing development standards for residential intensification, redevelopment and new residential development which minimizes the cost of housing and facilitate compact form while maintaining appropriate levels of public

- health and safety.
- Section 1.6.4.1 Planning for sewage and water services shall direct and accommodate expected growth in a manner that promotes the efficient use of existing municipal sewage services and municipal water services.

The Provincial Policy Statement supports the goal to intensify urban areas provided there is sufficient infrastructure to support the development. The Provincial Policy Statement also looks to the municipality to establish development standards that would “facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety”. In this case, the consent applications are to intensify development on an existing lot. The applicant has filed a minor variance application to address the minimum lot area and minimum lot frontage issue. With this in mind, the proposed severance application is consistent with the Provincial Policy Statement.

Community Official Plan:

The Goals and Objectives of the Community Official Plan promote the opportunities of infill and intensification development. The goal of the residential policies of the Community Official Plan is to “promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community. The objectives are to:

1. Promote and support development which provides for affordable, rental and or increased density of housing types.
2. Designate a sufficient supply of land to meet the residential goals of the plan.
3. Ensure that land use policies and zoning do not establish barriers to a more balanced supply of housing.
4. Direct the majority of new residential development to areas where municipal sewer and water services will be available and which can support new development.
5. Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.

Section 3.6.7 of the Community Official Plan promotes the opportunity for fill development provided that it meets the following policies:

1. The Town shall give priority to the infilling of existing residential areas as a means of efficiently meeting anticipated housing demand. Infilling shall be considered small scale residential development within existing residential neighbourhoods involving the creation of new residential lots or the development/redevelopment of existing lots.
2. Infilling development proposals in existing residential neighbourhoods should be in character with the surrounding building form and setbacks of existing development in an effort to blend in with the residential neighbourhood. Specific design policies for infill development are found in the design section of this plan.
3. Infilling development proposals shall be required to prepare “Lot Grading and Drainage plans” that take into consideration potential drainage impacts on abutting properties.
4. Infill development may be subject to site plan control.

The goals with respect to design of the Community Official Plan are to require new development and redevelopment to respect the scale and form of the area’s small town and rural character. Section 4.2.1.4 requires residential intensification, infilling and redevelopment within existing neighbourhoods to be compatible with surrounding uses in terms of density and design.

Section 5.3.11.2, titled General Consent Policies, provides polices on how to review consent applications. Policy 5.3.11.2.1 states “the Town shall support applications to create lots by consent when:

- The scale of the development proposed or total development potential of the property would not require a plan of subdivision;
- The application represents infilling in an existing built-up area;
- The proposed lots are in keeping with the lot area and frontage and density pattern of the surrounding neighbourhood;
- The creation of lots would not create or worsen traffic, access or servicing problems;
- The application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;
- The application does not represent strip development; and
- The application meets all other policies of this plan.

Section 5.3.11.2.2 states that the Town shall not support consent applications that do not conform to the policies of the Community Official Plan or the provisions of the zoning by-law.

Section 5.3.11.2.4 Prior to supporting the creation of lots by consent, the Town shall be satisfied that the development can be supplied with municipal services, such as fire protection, water supply, storm drainage, sewage disposal facilities and road maintenance.

Such development shall not adversely affect the finances of the Town. In the review of the application and the existing municipal infrastructure, Public Works have concluded that there is sufficient capacity in the existing municipal infrastructure to accommodate the additional demands.

The proposed severances are consistent with the intent of the infill and consent policies of the Community Official Plan. The Community Official Plan policies also require infill development to be compatible with the surrounding community. This does not mean that the lots have to be identical to existing lots in the neighbourhood, but they must reflect those lots. Consideration must also be given to the type and size of development being proposed for the proposed lots. In this case, the proposed lots are of sufficient size to accommodate the proposed single family dwelling and the semi-detached dwellings while respecting all other set back requirements required by the local zoning by-law and existing within the community. In the end, the proposed lots are deficient regarding minimum lot area and minimum lot frontage required in the current zoning provisions in zoning By-law 01-70, however are generally reflective of the community.

It also should be noted that while the proposal does reduce the minimum lot size in frontage and area, the proposed lots would still be larger than other heritage communities in the Ottawa Valley.

It is important to note that as Community Official Plan policy 5.3.11.2.2, prohibits the Town’s support of consent applications that do not conform to the policies of the Community Official Plan or the provisions of the zoning by-law, any support be conditional upon the approval of the applicant’s minor variance application, scheduled to be heard on October 20th, 2011. If the minor variance application is not successful, the Town would not support the consent applications.

Zoning By-law 01-70:

The subject property is currently zoned residential Type 2 (R2) zone. This zoning classification permits a range of residential dwellings including single family detached and semi-detached dwellings. The by-law requires the minimum lots sizes:

- Single family Dwelling: a minimum lot area of 460m² (4,951.6ft²) and a minimum lot frontage of 18m (59.06ft) per unit. The applicant is proposing a minimum lot area of 454.7m² (4,894.3ft²) and a minimum lot frontage of 15.0m (49.3ft).
- Semi Detached Dwelling: a minimum lot area of 320m² (3,444.6ft²) and a minimum lot frontage of 10m (32.8ft) per unit. The applicant is proposing a minimum lot area of 266m² (2,863.2ft²) and a minimum lot frontage of 8.04m (26.4ft).

In this case, the proposed lots are to support a single family dwelling and a semi-detached dwelling, which is consistent with the permitted uses in the residential Type 2 (R2) Zone. While the uses are permitted, the proposed lots sizes are deficient in minimum lot area and minimum lot frontage for both uses. The dwellings will be designed to meet all other zoning provisions. In principle, the proposed severance is consistent with the by-law; however support for the consent application is conditional upon the success of the applicant to acquire the requested minor variance to reduce the minimum lot area and minimum lot frontage.

The residential dwellings to be constructed meet all other zoning provisions outlined in the in Zoning By-law 01-70.

Conclusion

The proposed severances are consistent with the provincial policies and are consistent with the intent of the Community Official Plan and Zoning By-law. Staff support for this application is conditional upon the success of the minor variance on the property to allow for the reduced lot frontage and lot area for the single family dwelling and semi-detached dwelling. With this in mind, staffs conditional recommendation regarding the proposed severances is to support the application subject to the following conditions:

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property;
4. That the applicant rezone the property to accommodate the proposed severance;
5. That the applicant have a lot grading plan prepared by an engineer licensed to practice in the Province of Ontario and approved by the municipality;
6. That the applicant submit a landscape plan for approval by the municipality and complete the construction of the landscape plan to the satisfaction of the municipality;
7. That the applicant acquires entrance permits onto Marshall Street for each driveway from the Department of Roads and Public Works.
8. That the applicant shall acquire site plan approval for the proposed infill lot.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to re-divide Lot 11 and 12 Compiled Plan 6262 into three residential building lots. No lands will be retained. A residential dwelling is currently located on the lot. The applicant proposed to demolish this dwelling and construct three (3) new single family dwelling units.

The subject lands are located in an area characterized by typical urban type residential development. A large parcel of land to the east is currently vacant and zoned for future development.

The revised proposal will have all three dwelling units will face Marshall Street.

The applicant has concurrently submitted an application for Minor Variance to permit reduced lot width and reduced are for the lots.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town's Official Plan which is appropriate in the settlement area setting. The application can meet the consistent with test of the Provincial Policy Statement. The PPS and the Town's Community Official Plan promote infill where possible.

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

(d) **PUBLIC INPUT**

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

Jim and Maureen Dugdale - August 30, 2011

We are long time residents of Almonte (over 45 years at 133 Marshall St.), and we are writing to express our concerns about recent discussions and the proposed redevelopment at the corner of Marshall and Adelaide Streets. We understand that the decision is being considered to approve a severance, and a minor variance application to reduce the minimum lot size allowed in the Land Use Bylaw.

However, we do not believe that the proposed severance, and the variance to the minimum allowable lot size, fits with the character of the existing neighbourhood. Consider the following points:

- Three additional units will bring about a relatively substantial increase in traffic. This is critical since there is an existing daycare facility on the west side of Marshall Street. Currently, this end of Marshall Street has no sidewalks or curbs, and has a very narrow carriageway. Children currently play in front of the daycare facility next to the street. These children would be exposed to increased dangerous traffic.
- The current infrastructure (water and sewer) are over 50 years old. Will they be able to handle three additional dwellings? Will the proponent construct the

- infrastructure upgrades required to serve his development?
- Marshall Street is a very narrow street with an existing sidewalk halfway up the street and no curbs. If three more lots are approved, then the developer should be required to upgrade Marshall Street to construct both curbs and sidewalk for the entire length of the street.
 - Three more driveways will create dangerous situations for drivers on the street, as well as future residents. The northernmost proposed driveway will be too close to an already dangerous corner. There are currently ten driveways on this a short street, plus the parking area in front of the Daycare..
 - Our house has a very old stone cellar with a natural spring coming from the direction of the additional lots being proposed and our cellar has a direct drain to the storm sewer. We are concerned that the proposed development may negatively impact the groundwater movement in the area.

It is the goal of the Official Community Plan to “promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community.” One of the objectives identified to implement this goal is to “ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design”. We feel that the proposed severance is not compatible with the surrounding area.

Again we want to voice our opposition to the proposed severance and minor variance application. While it may meet some provincial policies with regards to mull development, it does not fit with the current character of the neighbourhood, and also raises some significant concerns around infrastructure capacity and traffic safety. We hope that these concerns are considered in your deliberations.

We wish to be notified of the public meeting and the decision of the Land Division Committee in respect of the proposed consent. Thanking you in advance.

Response received from Josh Kardish – October 5, 2011

I was provided with a letter listing concerns to the proposed minor variance and consent applications of the lands at 143 Marshall Street. As background, I am professional planner that has been retained by the owners of 143 Marshall Street to provide land use planning advice and guidance through the planning approval process that is intended to have this underused 100 ft x 100 ft, serviced site re-developed in a moderate, sensible manner.

I will address each of the five (5) concerns here:

Bullet 1 -That the proposed consents will result in an increase in traffic and may impact the safety of a local daycare.

Response - There is currently one single home on the lot and the plan it to take down that home and add two (2) more. Two additional homes and the cars that might access those homes will have no impact on local traffic patterns. The existing home is located on the municipal right of way at the far northwest corner of the site, impairing visibility at this corner. The new homes would be setback in accordance with current zoning standards and would improve vehicular and pedestrian sight lines.

Bullet 2- The Current infrastructure will not be able to support the development.

Response - Again, there is currently one home and these applications will add two new additional homes, for a total of three houses. The water demands can easily be met with the existing infrastructure and the existing sanitary sewers can

adequately handle the flow from two more units (which will be negligible). A lot grading plan would be provided with the building permit applications and stormwater retention would be considered as part of the development if that plan.

Bullet 3 - Request to add sidewalks along the Marshall Street Frontage of the development

Response - There are no sidewalks in the section of Marshall Street and new sidewalks would not connect to any existing sidewalks.

Bullet 4 - The addition of two more driveways will make the street more dangerous.

Response - As described in the response to concerns raised in Bullet 1, there is currently one house on the lot and one existing parking area that uses Adelaide Street (but could use Marshall Street as well). The plan is to build three new houses that will all conform to the current zoning standards for setbacks. Each house will be setback from the road, improving sight lines and visibility along Marshall Street and at (significantly) at the corner of Marshall and Adelaide. The re-development of this site will actually facilitate a safer, more predictable, street pattern (whereas the current situation could have people parking anywhere on the lot and accessing from any open space along Marshall and/or Adelaide).

Bullet 5 - A concern raised over the existing stone cellar the impacts on this during construction.

Response - This is a civil matter between two landowners but a prudent contractor excavation close to an older foundation would likely pay for a pre-excavation survey as part of any general liability works.

The August 30th letter concludes by arguing that the proposed development is not compatible with the surrounding area. As described in the rationale for the required Minor Variances, the lands are designated for Residential development in the Town of Mississippi Mills Official Plan and zoned R2, residential second density, in the Town Zoning Bylaw. The R2 zone permits both single family and semi-detached dwellings and Section 3.6.7 of the Town of Mississippi Mills provides that the, "The Town shall give priority to the infilling of existing residential areas as a means of efficiently meeting anticipated housing demand. Infilling shall be considered small scale residential development within existing residential neighborhoods involving the creation of new residential lots or the development/redevelopment of existing lots." The Official Plan includes other detailed policies in Section 3.6 that describe the emphasis to be placed on Intensification and there are guiding policies contained in Section 2.5 of the Plan written to emphasize this form of 'Smart Growth'.

Consideration has been given to the pertinent sections of Section 3, subsection (v) 'Residential Infill' of the Mississippi Mills Urban Design Guidelines. With respect to compatibility, it should be noted that 118, 124, 130 and 134 Marshall Street are existing lots with approximately 15 m of frontage (these lots are all a few feet away from the subject lands). The lots at 187 and 191 Adelaide are similar frontage to the proposed semidetached lots. These lots are kiddy corner to the proposed semi-detached lot. A quick glance around the neighborhood demonstrates that there are a myriad of housing styles and lot patterns. The proposed land uses and form of development are reasonable, sensible and balanced infill that should be encouraged.

(e) MINUTES – October 26, 2011

Josh Kardish, agent and Maureen Dugdale, adjacent landowner, attended the hearing and gave evidence by affirmation.

Mr. Kardish provided a brief outline of the application and confirmed that the Minor Variance application had been approved by the Town.

Mrs. Dugdale outlined her objection to the applications, advising that the proposal does not fit with the character of the neighbourhood, that the sewage pipes in this area are very old, and that there may be problems with surface drainage during construction.

Mr. Kardish advised that the Town has requested a lot grading and drainage plan, and that the town has very strong site plan control guidelines, which will require the applicant to provide drawings of the proposed dwelling, which in this area will require that a 'porch' be installed in keeping with the character of the neighbourhood.

The committee reviewed the staff report, noting that 'in-filling' is encouraged through the PPS wherever possible, and draft provisional consent conditions. No further information was provided.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: All three (3) applications have the same 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 applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
6. That the applicant provide a copy of the registered reference plan to the Town of Mississippi Mills.

7. The applicant shall obtain appropriate relief from the minimum lot provisions of the Zoning By-law for the Town of Mississippi Mills either by way of an amendment to the Zoning By-law or a minor variance.
8. That the applicant provide a lot grading plan prepared by an engineer licensed to practice in the Province of Ontario and approved by the Town of Mississippi Mills.
9. That the applicant submit a landscape plan for approval by the municipality and complete the construction of the landscape plan to the satisfaction of the Town of Mississippi Mills.
10. That the applicant acquire an entrance permit onto Marshall Street. The applicant shall consult directly with the Department of Roads and Public Works for the Town of Mississippi Mills.
11. That the applicant shall acquire site plan approval for the proposed infill lot from the Town of Mississippi Mills.
12. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
13. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #12 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Cheyane Wicks **Hearing Date:** October 24, 2011
Agent:
LDC File #: B11/089 and B11/090
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 24 **Concession:** 1
Roll No. 0940 934 030 04700 **Consent Type:** 2 new lots

Purpose and Effect: To sever two (2) new residential building lots (1.01-ha each) together with an r-o-w from Galbraith Road to Clayton/Taylor Lake and retain a 23.6-ha landholding with an existing dwelling and outbuildings located at 349 Galbraith Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/089	B11/090	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Residential Residential
Area	1.01-ha	1.01-ha	21.6-ha
Frontage	67 m	67 m	146.3 m
Depth	150.8 m	150.8 m	497.6 m
Road - Access to	Municipal	Municipal	Municipal
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural, PSW, Organic Soils & Deer Yard Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural, Organic Soils, EP & Deer Yard 1.0-ha Yes 60 m yes		Rural, Organic Soils, EP & Deer Yard 1.0-ha Yes 60 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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.

3.1 Natural Hazards

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 7.5 Natural Heritage Features, Section 8.2 Organic Soils, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone, Section 17.0 Environmental Protection Zone

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

(b) **AGENCY REVIEW**

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

Township of Lanark Highlands – Planner’s Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots along with a 20ft right-of-way on the Galbraith Road. The property is legally described as part Lot 24 Concession 11, former Township of Lanark now in the Township of Lanark Highlands. The property is commonly referred to as 349 Galbraith Road.

The applicant wishes to sever his lands and create two separate parcels and a 20ft right-of-way with frontage on Galbraith Road. Both proposed lots will have 220ft of frontage on Galbraith Road and each would have an area of approximately 1 ha. The proposed retained lot will have approximately 61 acres of area and frontage of 700ft on Galbraith Road.

The proposed severed lots are vacant at present, residential uses are proposed. There is an existing residential dwelling, garage and barn constructed on the proposed retained lot.

The property is designated as Rural, Provincially Significant Wetland, Organic Soils and Deer Yard on Schedule ‘A 4’ of the Township’s Official Plan and zoned Rural, Organic Soils, Environmental Protection and Deer Yard on Schedule ‘A 4’ by Zoning By-law 2003-451.

PROVINCIAL POLICY STATEMENT

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

The Provincial Policy Statement provides that, in rural areas, limited residential development is permitted provided that it is appropriate to the infrastructure which is planned or available and in addition is or can be made to be compatible with the rural landscape.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The Wicks proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lots have access on Galbraith Road, a municipally maintained road.

The Provincial Policy Statement also protects Natural Heritage Features. The retained lands are located within 120 m of the limits of a Provincially Significant Wetland. The Mississippi Valley Conservation Authority has reviewed the file and feels there would be limited value in conducting an EIS as the retained lands are already developed with no new development proposed at this time. The applicant has submitted a simplified EIS to address the impacts to the Deer Yard, MVC has recommended mitigative measures to be implemented prior to development proceeding.

Official Plan

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

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

The proposal as submitted can achieve those directives.

The Township adopted a new official plan in September 2010. It is appropriate to review the policies therein. The proposal as submitted complies with the Rural Communities designation of the new Official Plan as well as other relevant sections of the Plan.

ZONING

The lands are zoned Rural on Schedule 'A 4' of Zoning By-law 2003-451. The proposal appears to meet the performance standards of the zoning by-law. Any new construction will be required to meet the setbacks of the Rural zone.

DISCUSSION

The proposal will if approved result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval.

The application as proposed can be considered as appropriate and as such represents good planning.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township's Public Works Department in this regard.
6. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.
7. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.

Conservation Authority- Mississippi Valley Conservation – July 14, 2011

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

PROPOSAL

According to the information provided, the subject proposal involves the severance of (2) vacant building lots measuring 2.5 acres each, and to retain 58.39 acres with frontage on Clayton Lake. The retained land is already developed with a dwelling, detached garage, and barn.

PROPERTY CHARACTERISTICS

The proposed retained land has frontage on Clayton Lake and the Provincially Significant Wetland (PSW) referred to as the Clayton/Taylor Wetland Complex. According to a review of available mapping, the subject property is entirely located within the Tatlock Deer Yard - an area identified by the Ministry of Natural Resources as a significant deer wintering area. In addition, mapping indicates that a portion of the proposed retained lands is located within the Regulatory Flood Plain of Clayton Lake.

REVIEW - Natural Heritage Features

PSW

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of the wetland boundary, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the wetland. In order to address this requirement, an Environmental Impact Statement (EIS) is typically recommended to assess the potential impacts. However, in this case, the retained lands are already development with no new development proposed at this time, and the severed lands are located beyond the 120 adjacent lands to the PSW. Therefore, MVC is of the opinion that there would be limited value in conducting an EIS at this time. If development is proposed within the adjacent lands in the future, an EIS may be required at that time.

Deer Yard

The PPS states that development and site alterations, including lot creation, may be permitted in significant wildlife habitat if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified. In order to address this requirement, an EIS is typically recommended to assess the potential impacts of the proposal on the deer yard. In order to address this requirement, a simplified EIS was completed and submitted by the landowner, upon request by MVC.

MVC has reviewed the EIS and recommend the following mitigative measures for any future development on the proposed retained and severed lands:

- Removal of terrestrial vegetation shall be kept to the minimum required to develop the site.
- Use Best Management Practices (BMP's) for low impact construction.
- Pet dogs shall be controlled and not allowed to disturb or harass deer.

Natural Hazards - Flood Plain

The proposed retained land is partially located within the 1:100 year flood plain. However,

this land is already developed with no new development proposed at this time. Therefore, the flood plain is not considered a constraint to the proposed severances.

RECOMMENDATIONS AND CONCLUSIONS

The proposed severed lands do not have water frontage and are not located within the 120 adjacent lands to the PSW. The retained lands are already developed with no new development proposed at this time. Therefore, no impacts to the lake or PSW are anticipated as a result of the subject applications. In addition, if the mitigative measures outlined above under "Deer Yard" are adhered to, no impacts to the deer yard are anticipated.

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

NOTES

We assume that any potential future development on the proposed retained lands will comply with the zoning provisions, particularly with respect to development within the adjacent lands to a PSW; the minimum waterbody setback requirement; and the requirement to maintain a vegetated buffer along the shoreline.

As previously mentioned, the retained portion of the subject property is partially located within the regulatory (1:100 year) flood plain and the Regulation Limit of Clayton Lake. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of any potential future development and/or fill placement (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Clayton Lake. In addition, written permission is required for alterations to the shoreline of Clayton Lake, as well as for any interference within the Clayton/Taylor Wetland.

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 Clayton 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 – B11/089 – A 2.5 acre parcel of land that has no existing buildings. Land slope and drainage can vary. Recommendations – Additional sandy loam fill will be required in area of future tile bed.

Severed – B11/090 - A 2.5 acre parcel of land that has no existing buildings. Land slope and drainage can vary. Recommendations – Additional sandy loam fill will be required in area of future tile bed.

Retained – A 58 + acre parcel of land with an existing house serviced by a well and septic system. There is sufficient area on parcel of land for future replacement of septic system. Recommendations – additional 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 2 residential building lots – 1.01-ha each together with a 20 ft r-o-w from Galbraith Road to Clayton/Taylor Lake and retain a 21.6-ha landholding with an existing dwelling and outbuildings at 349 Galbraith Road.

The subject lands are located in an area characterized by Residential on larger type building lots intermixed with large landholdings along Galbraith Road.

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

The proposed lots are however, located within a designated “Wintering Area” (Deer Yard). To be consistent with PPS policies 2.1.4 (d) and 2.1.6, planning authorities shall protect significant wildlife habitat. Wintering Areas are habitats of seasonal concentrations of animals. In particular they are areas where animals occur in relatively high densities for the species at specific periods in their life cycles and/or in particular seasons. A major adaptation of deer to winter conditions in Ontario is seasonal migration. At the onset of winter, deer in most areas of Ontario migrate to winter concentration areas, commonly called yards. These areas are characterized by the presence of conifer forest, which intercepts snowfall, provides shelter from wind, and helps conserve energy loss through radiation. A continuous supply of fresh water is also crucial to the habitat.

The applicant was requested to provide a “scoped EIS for Winter Deer Yards”. This report was provided to MVC, reviewed and reported on in their comments above. If the lots are approved cautionary notes should be included in the decision.

A livestock facility is located on the retained lands, therefore an MDS calculation was undertaken which resulted in a minimum setback of 81 m from the livestock facility. The distance from the read lot line of the proposed lots is in excess of 160 m to the livestock facility. However, a note should be included on the deeds (if approved) to note that the lots are with proximity of a livestock facility and may be susceptible to noise, odours etc from the livestock operation.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate

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 Lanark Highlands.

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 Lanark Highlands and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES – October 24, 2011

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: The same conditions apply to both 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. The Deed or Instrument shall include the 20 ft r-o-w leading from Galbraith Road to Clayton/Taylor Lake.

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 lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES:

1. *The Mississippi Valley Conservation (MVC) advises that the retained portion of the subject property is partially located within the regulatory (1:100 year) flood plain and the Regulation Limit of Clayton Lake. Therefore, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to the initiation of any potential future development and/or fill placement (which includes excavations, stockpiling and site grading) within the flood plain or the Regulation Limit of Clayton Lake. In addition, written permission is required for alterations to the shoreline of Clayton Lake, as well as for any interference within the Clayton/Taylor Wetland.*
2. *In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near Clayton Lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *MVC recommends the following mitigative measures for any future development on the proposed retained and severed lands:*
 - *Removal of terrestrial vegetation shall be kept to the minimum required to develop the site.*
 - *Use Best Management Practices (BMP's) for low impact construction.*
 - *Pet dogs shall be controlled and not allowed to disturb or harass deer.*
4. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
5. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
6. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area and the future replacement septic system area on the retained lands.*
7. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations. The Township of Lanark Highlands will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
8. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
9. *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.

For B11/090 – add the following Note.

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Adele & Gerard Chatelain

Hearing Date: October 24, 2011

LDC File #: B11/095

Municipality: Township of Lanark Highlands

Geographic Township: Darling

Lot: 6

Concession: 6

Roll No. 0940 944 015 09600

Consent Type: Lot Addition

Purpose and Effect: To sever a 6.07-ha parcel of land as a lot addition to lands owned by Joseph Richard Gerald Chatelain and Adele Claire Chatelain at 5740 Tatlock Road and retain a 2.02-ha lot with an existing dwelling and outbuildings at 5706 Tatlock Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Same	Residential Residential
Area	6.07-ha	2.02-ha
Frontage	65.2 m	191 m
Depth	204.5 m	60.9 m
Road - Access to	County Road	County Road
Water Supply Sewage Disposal	None None	Private Well Septic System
Official Plan Designation -Conformity?	Rural and Deer Yard Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	n/a lot addition	1.0-ha
-Compliance?		Yes
-Frontage Required (min.)		60 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

Official Plan – Section 3 Growth and Settlement Policies, Section 3.6 Rural Policy Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 7.5 Natural Heritage Features, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone.

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planner's Report

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 6, Concession 6, former Township of Darling now in the Township of Lanark Highlands and commonly referred to as 5706 Tatlock Road.

The applicant wishes to sever approximately 6-ha of land with road frontage of 65 metres and add to an existing lot of record. The proposed retained lands will have 391 metres of frontage and an area of approximately 2-ha.

The property is designated as Rural, on Schedule 'A 3' of the Township's Official Plan and zoned Rural on Schedule 'A 3' in Zoning By-law 2003-451. The subject lands have a single family dwelling and a garage. There is no new development proposed at this time.

Provincial Policy

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

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. Frontage for both the retained and severed lot is on Tatlock Road. The lots will have sufficient frontage to meet the

requirements for road access and egress. It is anticipated that no new municipal services will be required as a result of this proposal.

Official Plan

The subject lands are designated Rural on Schedule 'A 3' of the Township of Lanark Highlands Official Plan. The rural designation allows for low density development consisting of residences along the existing roadways and waterways.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate required building setbacks, parking and snow storage and removal within the proposed lot configuration. The proposal must also be evaluated for potential conflicts with adjacent land uses and natural heritage features. The proposed lot creation is in conformity with the existing Official Plan's relevant policies.

The Township adopted a new official plan in September 2010. It is appropriate to review the policies therein. The proposal as submitted complies with the Rural Communities designation of the new Official Plan as well as other relevant sections of the Plan.

Zoning

The lands are zoned as Rural on Schedule "A 3" by Zoning By-law 2003-451. The proposal can meet the frontage and area requirements of the by-law. There is no new development proposed by this application both the severed and retained lots have been developed.

Discussion

This application for a lot addition will not result in any new lot. The application as submitted is consistent with the PPS, complies with the policies of both the old and new Official Plan and the resulting lots meet zoning requirements.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.

Conservation Authority- Mississippi Valley Conservation

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever 15 acres as

a lot addition to the adjacent lands, and retain 5 acres. 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, an unclassified wetland exists on the proposed severed lands. No other natural heritage features or natural hazards were identified.

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 lots. Therefore, no impacts to the wetland previously mentioned, are anticipated as a result of the subject application.

CONCLUSION AND RECOMMENDATIONS

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

NOTES

With respect to the lot to-be-enlarged, we take this opportunity to recommend that any future redevelopment or new development, comply with a minimum 30 metre setback from the wetland. In addition, we recommend that the wetland remain undisturbed and that the vegetated buffer along the shoreline of the wetland be maintained.

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 – A 15 acre parcel of land that is intended to be added to an existing lot.
Recommendation – addition to an existing lot only.

Retained – a 5 acre parcel with an existing house serviced by a well and septic system. There is sufficient area for a future replacement tile bed. Recommendation – additional sandy loam fill will be required in area of future tile bed replacement area.

Hydro One Networks – No comments were received.

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

County Public Works

- 1/ Applicant has an approved existing entrance to the County Road. Severed Permit No. 2322, Retained Permit No. 2323
- 2/ Entrances are existing.
- 3/ Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a

land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, 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 County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 6.07-ha parcel of land as a lot addition to lands owned by Joseph Richard Gerald Chatelain and Adele Claire Chatelain at 5740 Tatlock Road and retain a 2.02-ha residential lot with an existing dwelling at 5706 Tatlock Road.

The subject lands are located in an area characterized by Residential on varying lots interspersed with large vacant landholdings along Tatlock Road.

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

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 Lanark Highlands.

The proposed lots are however, located within a designated "Wintering Area" (Deer Yard). To be consistent with PPS policies 2.1.4 (d) and 2.1.6, planning authorities shall protect significant wildlife habitat. Wintering Areas are habitats of seasonal concentrations of animals. In particular they are areas where animals occur in relatively high densities for the species at specific periods in their life cycles and/or in particular seasons. A major adaptation of deer to winter conditions in Ontario is seasonal migration. At the onset of winter, deer in most areas of Ontario migrate to winter concentration areas, commonly called yards. These areas are characterized by the presence of conifer forest, which intercepts snowfall, provides shelter from wind, and helps conserve energy loss through radiation. A continuous supply of fresh water is also crucial to the habitat.

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 Lanark Highlands and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – October 24, 2011**

Gerard Chatelain, owner attended the hearing and gave evidence under oath.

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

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Joseph Richard Gerald Chatelain and Adele Claire Chatelain at Pt Lot 6 Conc. 6 Darling, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
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 Lanark Highlands.

5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, 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 County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
9. A letter shall be received from the County of Lanark Public Works stating that condition #7 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the future replacement septic system area on the retained lands.*
2. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
3. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
4. *The Mississippi Valley Conservation recommends that any future redevelopment or new development on the lands to be enlarged, comply with a minimum 30 metre setback from the wetland. In addition, we recommend that the wetland remain undisturbed and that the vegetated buffer along the shoreline of the wetland be maintained.*

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: Bernard & Winona Duffen **Hearing Date:** October 24, 2011
Agent: Wilson Law Partners
LDC File #: B11/099
Municipality: Township of Beckwith
Geographic Township: Beckwith **Lot:** 18 **Concession:** 1
Roll No. 0924 000 015 00101 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.748-ha parcel of land with an existing dwelling at 1287 Bourne Road as a lot addition to lands owned by Aron Gabor at Pt NE Lot 18 Conc. 1 Township of Beckwith.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	0.748-ha	35.6-ha
Frontage	42.24 m	262.93 m
Depth	219.5 m	1190.9 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	Private Well
Sewage Disposal	Septic System	Septic System
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	n/a Lot Addition	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 4 General Provisions, Section 6.5 Wetlands, Section 7.3 Local Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee. The Township of Beckwith advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 11 Rural 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 – Rideau Valley Conservation Authority

There are no natural hazard or natural heritage issues precluding the approval of this application.

However, there are significant areas on the property subject to O.Reg 174/06 “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” as administered by the Rideau Valley Conservation Authority. Any site alteration within these boundaries (as shown on the attached map) requires a permit from the RVCA.

The retained land is partially covered by the Provincially Significant Wetland (PSW) known as North Mud Lake. This wetland and the 120 metre buffer around it is subject to the aforementioned O.Reg 174/06. Furthermore, the parcel is traversed by a tributary to King’s Creek. Any activity affecting the banks or the bed of the watercourses also requires a permit.

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

Severed – The property to be severed is 0.748 hectares and contains a residence and out building. It is to be added to an existing property. Recommendations – the property is intended to be an addition to an existing property. The septic system will not be affected.

Retained – The property to be retained is approximately 35.6 hectares. The land is mainly bush. There is a cleared area with a residence. Recommendations – The severance will not affect the septic system on the property.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 0.748-ha parcel of land at SW ½ Lot 18 as a lot addition to lands owned by Aron Gabor at NE ½ Lot 18 Conc. 1 Beckwith. The land contains the dwelling and outbuildings thought to be located on the NE ½ Lot 18. The lot addition will rectify the title to Mr. Gabor's home.

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

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

Soils Inventory – Name: Franktown
- Stoniness: slightly stony
- CLI: 6 – natural grazing only
- Drainage: imperfectly
- 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 Beckwith.

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 Beckwith and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

(e) **MINUTES – October 24, 2011**

Aron Gabor, adjacent landowner and Tracy Zander, agent for Mr. Gabor. attended the hearing and gave evidence under oath.

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

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Aron Gabor described as Part North Lot 18 Conc. 1, 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. Satisfactory evidence shall be provided to the Township of Beckwith by way of a surveyor's report to confirm the setback for the existing buildings and structures (including well and septic system) to the new property lines meet the Ontario Building Code and Township Zoning By-law provisions.
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 #4 and #5 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 Rideau Valley Conservation Authority advises that there are significant areas on the retained lands that are subject to O.Reg 174/06 "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" as administered by the Rideau Valley Conservation Authority. Any site alteration within these boundaries requires a permit from the RVCA*
3. *THE RVCA also advises that the retained land is partially covered by the Provincially Significant Wetland (PSW) known as North Mud Lake. This wetland and the 120 metre buffer around it is subject to the aforementioned O.Reg 174/06.
Furthermore, the parcel is traversed by a tributary to King's Creek. Any activity affecting the banks or the bed of the watercourses also requires a permit.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Leslie McMunn **Hearing Date:** October 24, 2011
Agent: ZanderPlan Inc
LDC File #: B11/104
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 2 **Concession:** 6
Roll No. 0911 911 025 23600 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 1.3-ha parcel of land as a lot addition to vacant lands owned by Aldon McMunn and Winnefred Stanton at Pt Lot 2 Conc. 6 North Burgess being Part 1 on Plan 27R-2555 and to retain a 26.93-ha landholding with a dwelling and outbuildings located at 1081 Elm Grove Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Lot addition	Residential
Area	1.3 ha	26.93-ha
Frontage	40 m	94 m
Depth	187 m	irregular
Road - Access to	County Road	County Road
Water Supply	Proposed well	Private Well
Sewage Disposal	Proposed septic	Private Septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	n/a Lot Addition	1.0-ha
-Compliance?		Yes
-Frontage Required (min.)		60 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 2 General Development Policies, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal is for a lot addition of 1.3-ha to be added to Aldon McMunn and Winnefred Stanton at Pt Lot 2 Conc. 6 North Burgess with a 26.93-ha parcel of land with existing dwellings to be retained by Leslie McMunn at 1081 Elm Grove Road.

Both the proposed and severed lots exceed the minimum road frontage requirements.

Rideau Valley Conservation Authority has no objection. Portions of the retained and severed parcels are affected by the Conservation Authority's regulation with respect to wetlands.

MRSSO is supporting of the lot addition.

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

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

Conservation Authority- Rideau Valley Conservation Authority

The Rideau Waterfront Development Review Team has completed a review of the above noted application for a lot line adjustment. The severed parcel will be added to the adjacent lot fronting Elm Grove Road. The following comments are offered for the Committee's consideration.

Natural Heritage and Natural Hazards

There have been no natural hazards or heritage features identified on the site which would preclude this application.

Several water features and a watercourse have been identified on the severed parcel and the recipient parcel fronting Elm Grove Road. It appears that these water features may have been altered at some point in the past.

The retained parcel contains water frontage along Adams Lake. Majority of the water frontage has also been identified as a permanent wetland. The applicant should consult with Parks Canada regarding any future waterfront access. Typically waterfront access/development is limited to 25% width of the total water frontage or 50 feet, whichever is less. Natural vegetation shall otherwise be maintained along the shoreline. Approvals for docks and waterfront alteration must be received from Parks Canada.

The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*" under Section 28 of the Conservation Authorities Act. This regulation affects the severed and retained lands in the following manner:

1. Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority. Therefore there shall be no further alteration to the water features/watercourses without the prior written approval of the RVCA.

Conclusion

In conclusion the Rideau Waterfront Development Review Team has no objection to this application. Portions of the retained and severed parcel are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration. Thank you for the opportunity to comment.

Septic Report - Mississippi-Rideau Septic System Office – Aug 9, 2011

A site visit was conducted at the above mentioned property by our office on July 27, 2011, to ensure that proposal of transferring the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to add a 1.3 hectare parcel, 40 m of road frontage and 187 m deep, the proposed use is residential. The lot to be added is currently vacant with areas of mixed forest, very little exposed rock and a low lying wet area near the Northern Western boundary of the proposed area, next to the pond. No test pits were present for inspection during the site visit.

The septic office recommends that a minimum of 30 meters separation distance be provided between the pond and the septic system. The proposed lot addition is of large enough size and appropriate topography to support a Class 4 septic system meeting all requirements of the OBC. The ability to maintain/operate the existing septic system on the retained parcel will not be impacted by the severance.

The Mississippi Rideau Septic System Office (MRSSO) is supportive of this lot addition based on the information provided in the application and site visit. If you have any questions, please do not hesitate to call.

County Public Works Department –

Applicant has approved existing entrances to the County Road for both the lands to be severed (Permit #309) and the lands to be retained (Permit #1270).

Sufficient lands shall be deeded to “The Corporation of the County of Lanark” along the frontage of the lot to be severed to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. “In Preparation” Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval prior to registration, 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 County of Lanark Construction Supervisor shall be consulted prior to commencing a survey to determine the amount of road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration. Following registration one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.3-ha parcel of land as a lot addition to lands owned by Aldon McMunn and Winnefred Stanton at Pt Lot 2 Conc. 6, North Burgess being Part 1 on Reference Plan 27R-2555 and retain a 26.93-ha landholding with an existing dwelling and outbuildings located at 1081 Elm Grove Road.

The subject lands are located in an area characterized by Residential on large landholdings along Elm Grove Road, with a small subdivision (14 lots) located with the west. Adam’s Lake abuts the retained lands to the south.

The lands are accessed via Elm Grove Road, a county maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate

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

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

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

(d) **PUBLIC INPUT**

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

The Adam Lake Property Owners Association (ALPOA) wishes to make the following recommendations concerning the subject "Application for Consent 8-11/104".

1. ALPOA was present at the Tay Valley Township (TVT) to discuss the implications of the Rideau Waterway Development Review Team (RWDRT) Report dated August 9, 2011. ALPOA voiced concerns for the wording of the following paragraph:

"The retained parcel contains water frontage along Adam Lake. Majority of the water frontage has also been identified as a permanent wetland. The applicant should consult with Parks Canada regarding future waterfront access. Typically waterfront access/development is limited to 25% width of the total water frontage or 50 feet, whichever is less. Natural vegetation shall otherwise be maintained along the shoreline. Approvals for docks and waterfront alteration must be received from Parks Canada.

We cannot understand why this paragraph was included in the RWDRT Report as we understand no access to Adam Lake was requested in the Application for Consent. If the matter of Lake Access was verbally discussed ALPOA should be notified of that discussion. Adam Lake is at capacity. Adam Lake has no back lot access at the present time. We notice that TVT has included conditions on the approval. ALPOA wishes to request the following condition be added to clarify the possibility of a precedent setting exception on back lot development.

"No deeded access between the subject property and Adam Lake, via lands to be retained, be provided."

2. ALPOA received no notification of this Severance Application. There has been long standing agreement that ALPOA would receive Severance Notifications. We would respectfully request your confirmation that the notification of ALPOA of any/all Adam Lake severance activity is still in effect.

As a follow-up to this, we note that although the individuals and their contact coordinates as provided to you (E-mail 23 11 2010) have not changed, their roles in our Association have. The information is:

Bob Jackson — Chairman — Adam Lake Stewardship Committee
Hugh Burrows — President — Adam Lake Property Owners Association

In closing we wish to request the following;

- being kept advised of the progress of this application
- receiving notice of and invitation to public meetings
- "notice of decision"

(e) **MINUTES – October 24, 2011**

Tracy Zander, agent, Bob Jackson, representing the Adam's Lake Cottage Association and Andrew James, purchaser of the lot to be enlarged attended the hearing and gave evidence under oath.

Mr. Jackson advised that the association did not have any concerns with the lot addition, however was concerned that the enlargement would include access to Adam's Lake. Mr. Jackson was advised that the application did not include any access or easement to Adam's Lake.

Mr. James confirmed that the 'pond' would be jointly owned between the retained lands and the lot to be enlarged.

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

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Aldon McMunn and Winnefred Stanton described as Pt 1 on Reference Plan 27R-2555, at Pt Lot 2 Conc. 6, geographic Township of North Burgess, now in Tay Valley Township, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.

5. The applicants shall satisfy all the requirements of Tay Valley Township financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
7. The applicant shall provide the Township with a copy of the deed/transfer for the property.
8. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, 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 County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
9. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 has been fulfilled to their satisfaction.
10. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the retained parcel contains water frontage along Adams Lake. Majority of the water frontage has also been identified as a permanent wetland. The applicant should consult with Parks Canada regarding any future waterfront access. Typically waterfront access/development is limited to 25% width of the total water frontage or 50 feet, whichever is less. Natural vegetation shall otherwise be maintained along the shoreline. Approvals for docks and waterfront alteration must be received from Parks Canada.*
2. *The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the severed and retained lands in the following manner:*
 - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority. Therefore there shall be no further alteration to the water features/watercourses without the prior written approval of the RVCA.*

3. 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.

4. *The applicant is advised that no ‘deeded’ access has been provided through this application.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: D Wayne Shaver **Hearing Date:** October 24, 2011
LDC File #: B11/106 and B11/107
Municipality: Township of Lanark Highlands
Geographic Township: Lanark Village **Lot:** 3 **Concession:** 3 Plan 320
Roll No. 0940 936 015 27001 **Consent Type:** 2 New Lots & R-O-W

Purpose and Effect: To sever two (2) residential building lots (0.4-ha and 0.46-ha) together with an R-O-W over Pt 1 Plan 26R-2269 and retain a 7.33-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/106	B11/107	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Vacant
Area	0.4-ha	0.46-ha	7.33-ha
Frontage	64 m	63.6 m	283 m
Depth	63.4 m	55 m	335 m
Road - Access to	Private	Private	Municipal
Water Supply	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	Septic System
Official Plan Designation -Conformity?	Hamlet and Provincially Significant Wetland Yes		
Zoning Category	Residential 1 Environmental Protection		Residential 1 Environmental Protection
-Area Required (min.)	0.4-ha		0.4-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	60 m		60 m
-Compliance?	Yes		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

Section 1.1.3.7 New development taking place in designated growth area should occur adjacent to the existing built-up area and shall have compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.5 Village and Hamlet Settlement Area Development Concept 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 4.5.4 Private Roads, Section 7.5 Natural Heritage Features, Section 10.11.13 Subdivisions, Consents and Part-Lot Control. The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4.0 General Provisions, Section 7.0 Residential Low Density Zone, Section 17.0 Environmental Protection Zone

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots on fronting on a registered right of way. The property is legally described as Pt Lot 3 Concession 3, in the Village of Lanark now in the Township

of Lanark Highlands.

The proposed severed lots are vacant at present, residential uses are proposed. The retained land is also vacant with four prior severances on the south portion of the subject property.

PROVINCIAL POLICY

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

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lots have access on a municipally maintained road.

1.2 OFFICIAL PLAN

The subject lands are designated Residential District on Schedule 'A 5' of the Township of Lanark Highlands Official Plan. This designation allows for low density development consisting of residences along the existing roadways and waterways.

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

The proposal as submitted can achieve those directives.

1.3 ZONING

The lands are zoned Residential Low Density R1 on Schedule 'A 5' of Zoning By-law 2003-451. The proposal appears to meet the performance standards of the zoning by-law.

The proposal will if approved result in the creation of two new lots that will comply with Official Plan policies and is consistent with Provincial Policy. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval.

The application as proposed can be considered as appropriate and as such represents good planning.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township's Public Works Department in this regard.
6. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.
7. That an appropriate right of way shall be granted to the owners of the lot to be severed over the lot to be retained.
8. That the existing right of way shall be named in accordance with Township "Naming of Roads Policy".

Conservation Authority- Mississippi Valley Conservation – August 10, 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 (2) lots; one measuring 1 ac and the other 1.15 ac. in size. The resulting retained land would be 18.1 acres. All resulting lots are currently vacant.

PROPERTY CHARACTERISTICS

According to a review of available mapping, a large portion of the proposed retained lands are located within the 120 metres adjacent lands of a Provincially Significant Wetland (PSW), referred to as the Gilles Lake-Kerr Lake Wetland. In addition, a smaller portion of the retained land is located within the boundary of the PSW. With respect to the severed lands, MVC's GIS mapping estimates that the proposed severed lands under B 11/107 are located within the 120 metre adjacent lands to the PSW, while the severed lands under BI 1/1 06 are located beyond this limit. We note that this estimate is contrary to information provided with the application which indicates that both severed parcels are located beyond the 120 metre adjacent lands. No other natural heritage features or natural hazards were identified.

REVIEW

PSW:

Guidelines which were prepared in support of the Provincial Policy Statement (PPS) recommend that new development, including the creation of new lots within 120 metres of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of this feature. This would

typically be examined through the preparation of an Environmental Impact Statement (EIS). However, as estimated on available mapping, sufficient area exists on the retained lands as well as the severed lands under B 11/107, for potential future development that is located beyond the 120 metre adjacent lands. And, the severed lands under B11/106 are not located within these adjacent lands. With all of this in consideration, MVC is of the opinion that there would be limited value in conducting an EIS at this time. However, in the event that future development is proposed within the 120 metre adjacent lands to the P5W, an EIS may be required to evaluate such development.

Lot Size: MVC is satisfied with the size of all resulting lots.

CONCLUSIONS AND RECOMMENDATIONS

MVC does not have any objection to the subject applications provided that future development occurs beyond 120 metres of the PSW. Given the conflicting assessment on the proximity of the severed lands under B11/107 to the PSW, we suggest that the landowner contact MVC prior to development so that a more conclusive assessment can be made in this regard. If it is determined that development is located within the 120 metre adjacent lands, an EIS may be required.

ADDITIONAL

Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", the property owner should be advised that written permission is required from MVC for any interference within 120 metres of the PSW.

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

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

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

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

B11/106 Severed – Soil is sandy loam of varying depth. There are visible rock outcrops on the property and areas where soil depth is less than 10 cm. Drainage is good. Land slopes gently to the north. Recommendation – the lot is large enough to accommodate on-site sewage disposal. Imported septic fill will likely be required to construct a system.

B11/107 Severed – Drain is good due to significant slope to the south and east sides of the lot. Thin topsoil on bedrock Drilled well on site, vacant lot. Recommendation – Lot is large enough to accommodate on-site sewage disposal but imported septic fill would be required to construct a system.

Retained – Large bush lot. Recommendation – this severance will not impact on-site sewage disposal on the retained portion.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lots (0.4-ha and 0.46-ha) together with an R-O-W over Pt Lot 1 Plan 26R-2269 and retain a 7.33-ha vacant landholding.

The subject lands are located in an area characterized by Residential on large landholdings along interspersed with typical urban type residential lots along Paul Drive. The lands to be severed are accessed via an existing private r-o-w which adjoins Paul Drive, a municipally maintained road. The Bosman's who own lands to the north of the lots have access over the private r-o-w and have expressed concerns for future maintenance of the road. If approved the conditions should include a clause that the applicant shall enter into a joint use and maintenance agreement for the construction and on-going maintenance of the shared driveway.

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 Town of Mississippi Mills.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are located within a designated settlement area, and therefore fall under PPS Section 1.1.4. 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 hamlet 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 Lanark Highlands and could be given favourable consideration.

(d) **PUBLIC INPUT**

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

Rene and Jeannette Bosman – Oct 3, 2011

At this time the road access to both those plots are not on a township road. The lane is taken care of by Providence Point. Is the Township will to cover the cost of the upkeep of this 'new road'? Or is there a way to make it known to those who purchase these lots that they will need to help pay for the maintenance of the private road to Paul Dr.? Our concern is the planned severed lots are not right on a public road (Paul Drive) instead accessible only by our land and financially impact on us.

(e) **MINUTES – October 24, 2011**

Wayne Shaver, owner, attended the hearing and gave evidence under oath.

Mr. Shaver recognized that there may be a discrepancy between the MVC and Township Wetland Mapping and that he had commenced an EIS, but it was not completed. This

process would be undertaken if still required by MVC following a meeting with the Environmental Planner. Mr. Shaver also confirmed that he owned the r-o-w that would provide access to the two lots as well as to Providence Point Retreat and that he had discussed a 'road maintenance' agreement with Mr. Bosman.

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

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: The same conditions apply to both severances:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
9. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.

10. The applicant shall enter into a joint use and maintenance agreement for the construction and on-going maintenance of the shared driveway. A copy shall be submitted to the Township of Lanark Highlands and the Lanark County Land Division Committee.
11. The existing right-of-way shall be named in accordance with the Township of Lanark Highlands "Naming of Roads Policy". The applicant shall consult directly with the Township in this regard.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #11 has been fulfilled to their satisfaction.

NOTES:

1. *MVC also advises that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", the property owner should be advised that written permission is required from MVC for any interference within 120 metres of the PSW.*

Any proposed works in or near the PSW should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

comes into effect. The regulation would establish the area that is protected as habitat for the species.

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

Additional NOTES for B11/107

6. *Mississippi Valley Conservation advises given the conflicting assessment on the proximity of the severed lands under B11/107 to the PSW, we suggest that the landowner contact MVC prior to development so that a more conclusive assessment can be made in this regard. If it is determined that development is located within the 120 metre adjacent lands, an EIS may be required.*
7. *The current Official Plan provides that up to two consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Laurentian Camp Cherith **Hearing Date:** October 24, 2011
Applicant: Kathy Logan
LDC File #: B11/108 and B11/109
Municipality: Township of Lanark Highlands
Geographic Township: Darling **Lot:** 8 & 9 **Concession:** 1
Roll No. 0940 944 010 01100 **Consent Type:** Lot Addition & Relocation of R-O-W

Purpose and Effect: To sever a lands to relocate an existing R-O-W known as River Farm Lane and to sever a parcel of lands as a lot addition to lands owned by Terrence Giffin at Pt Lot 8 Conc. 1 Darling and to retain a 67.98-ha landholding with a Children’s Summer Camp (House, Recreation Hall, 10 Cabins, Cottage & Work Shop) at 2184 River Farm Lane.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/108	B11/109	
Existing Use Proposed Use	Road Road	Wooded lot Wooded lot	Children’s Camp Children’s Camp
Area Frontage Depth Road - Access to		0.24 ha Irregular Registered R-O-W	67.98 ha Irregular Irregular Municipal Road
Water Supply Sewage Disposal	N/A N/A	N/A N/A	N/A Private Septic
Official Plan Designation -Conformity?	Rural and Aggregate Reserve Yes		
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Commercial Recreational n/a – lot addition & R-O- W relocation	Commercial Recreational & Aggregate Reserve 1.0-ha Yes 60 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.

3.1 Natural Hazards

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

Official Plan – Section 3.0 Growth and Settlement, Section 3.9 Rural Area – Rural and recreational Commercial Uses, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.4 Private Roads, Section 7.2 Mineral Resources, Section 7.5 Natural Heritage Features, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, section 15.0 Commercial Recreational Zone.

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planner's Report

B11/108 - An application has been received from the County of Lanark Land Division Committee for the relocation of an existing right of way named River Farm Lane on lands legally described as West 1/2 of Lot 8 and 9, Concession I former Township of Darling now in the Township of Lanark Highlands. The property has frontage on French Line.

The existing right of way is off of the French Line, a maintained Township road and transects the buildings associated with the camp. The relocation of the right of way will remain the same as it comes off the French Line but will then be relocated around the activities of the camp and will divert any traffic away from those activities creating a safer situation. The proposed retained parcel is irregular with an area of approximately 68 ha (168ac). The lands are currently being used as a children's camp.

OFFICIAL PLAN

The lands are designated Rural and Aggregate Reserve on Schedule 'A-3' of the Township's Official Plan. No development will be undertaken on the portion of the lands designated as Mineral Reserve.

In section 4.5.4 Private Roads of the Official Plan, provides for development to occur along a private roadway as long as the right of way is registered on title and provision has been made for individual or private maintenance solutions. There is an existing private roadway on the lands; the application is for the relocation of a portion to direct any traffic around the activities association with the children's camp.

The property owners should be aware that the Township is under no obligation to service or maintain the right of way. Demonstration that the right of way is constructed to a standard as required by the Township will also be necessary. Conditions of severance outlining the foregoing will be required.

ZONING

The lands are zoned Commercial Recreational-2 and Mineral Aggregate Reserve - holding on Schedule 'A 3' of Zoning By-law 2003-451.

Discussion

The application is to relocate a portion of the right of way and if approved, will provide safer access to the operations of the camp.

B11/109 - An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 14, Concession 6, former Township of Lanark now in the Township of Lanark Highlands and commonly referred to as 1900 Concession 6.

The applicant wishes to sever approximately 8ha of land with road frontage of 208 metres and add to an existing lot of record. The proposed retained lands will have 146 metres of frontage and an area of approximately 30ha.

The property is designated as Rural, on Schedule 'A 4' of the Township's Official Plan and zoned Rural on Schedule 'A 4' in Zoning By-law 2003-451. The subject lands are currently vacant. There is no new development proposed at this time.

Provincial Policy

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

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The Perrault proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. Frontage for both the retained and severed lot is on Concession Road 6. The lots will have sufficient frontage to meet the requirements for road access and egress. It is anticipated that no new municipal services will be required as a result of this proposal.

Section 2.0, Wise Use and Management of Resources, protects all natural heritage

features from adverse impacts. There are no identified natural heritage features on the subject lands with the possible exception of potential fish habitat in the existing creek. Any future development will be required to maintain a minimum 30 metre setback from the creek should fish habitat be identified. Accordingly the application is consistent with this section of the PPS.

New land uses shall comply with the minimum distance separation formulae. MDS calculations were undertaken to ensure that separation distances from existing livestock buildings to future sensitive land uses can be maintained. There appears to be sufficient area to ensure compliance with MDS setback requirements

Official Plan

The subject lands are designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. The rural designation allows for low density development consisting of residences along the existing roadways and waterways.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate required building setbacks, parking and snow storage and removal within the proposed lot configuration. The proposal must also be evaluated for potential conflicts with adjacent land uses and natural heritage features. The proposed lot creation is in conformity with the existing Official Plan's relevant policies.

Zoning

The lands are zoned as Rural on Schedule "A 4" by Zoning By-law 2003-451. The proposal can meet the frontage and area requirements of the by-law. The applicant will need to meet the performance standards of the bylaw, including the required setbacks and maximum lot coverage when new development is proposed.

Discussion

This application for a lot addition will not result in any new lot and will ensure that the newly reconfigured lots will have sufficient area to permit appropriate development. The application as submitted is consistent with the PPS, complies with the policies of both the old and new Official Plan and the resulting lots meet zoning requirements.

Township of Lanark Highlands - recommends approval of the applications subject to the following conditions:

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the proposed right of way is registered on title.
4. That the applicant pays any outstanding fees to the Township prior to final approval.

Conservation Authority- Mississippi Valley Conservation August 8, 2011 – comments apply to Application B11/109.

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to

assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 0.59-ac parcel of land as a lot addition to the adjacent lands; and retain 168 acres. The retained land and the lot to-be-enlarged are already developed, while the severed lands are vacant.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the retained land and the lot-to-be-enlarged have frontage on the Clyde River. No other natural heritage features or natural hazards were identified.

REVIEW

The proposed retained land and lot to-be-enlarged are already developed with no new development proposed at this time. In addition, MVC is satisfied with the resulting size of the retained lands. We note that water frontage is not impacted by this application.

CONCLUSION AND RECOMMENDATIONS

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

NOTES

With respect to the retained land and lot to-be-enlarged, we take this opportunity to recommend that any future re-development or new development, comply with a minimum 30 metre setback from the river. In addition, we recommend that the vegetated buffer along the shoreline of the river be maintained.

There is no regulated flood plain on the subject property. Therefore, development activities above the high water mark of the river are not currently regulated by MVC on the subject lot.

However, pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission is required from MVC prior to any alterations to the shoreline of the river. In addition, the property owner should be advised that, in accordance with MVC's Level TI 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 river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

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

On-Site Services (Septics) – Leeds Grenville & Lanark District Health Unit – B11/109
Severed – drainage is good. Soil is sandy to at least 1 metre depth, but large rocks throughout. Bush lot sloping toward river. Recommendations – this will be an addition to

an existing property that is currently home to 3 privies. Imported septic fill may be required to construct an on-site septic depending on the exact location.

Retained – large lot with children’s camp and sandy soil. No obvious signs of failure for existing sewage system. Recommendations – this severance will not impact sewage disposal on the retained portion. It was landlocked.

(c) PLANNING REVIEW

The applicant proposes to sever lands as a lot addition and to relocate an existing r-o-w. No change in use is anticipated.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with smaller type residential lots along the French Line Road and typical ‘seasonal’ type lots along the Clyde River.

The retained lands are accessed via French Line Road, a municipally maintained road and the lot to be enlarged is accessed via River Farm Lane, a private road. The purpose of relocating the r-o-w is to remove the road from between the buildings used to facilitate a youth camp. The lands being severed as a lot addition is a remaining ‘landlocked’ parcel owned by Laurentian Camp Cherith but attached to the main land’s (excess lands).

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 Lanark Highlands.

The Provincial Policy Statements encourages economic opportunities within the rural area. The proposed retained lot currently functions as a “Youth Centre and Camp”. These activities are appropriate in the rural area. The severed lands are larger than required by the Township’s Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement. The relocation of the r-o-w assists in the protection of the camp’s occupants from vehicular traffic.

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

(d) PUBLIC INPUT

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

(e) **MINUTES – October 24, 2011**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B11/108

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. The applicant shall relinquish the existing right-of-way over his/her/their lands in favour of the new right-of-way being created.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
8. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands
9. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
10. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.

11. A letter shall be received from the Township of Lanark Highlands stating that condition #6 through #10 has been fulfilled to their satisfaction.

B11/109

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 Terrence Giffen at Pt Lot 8 Conc. 1, Darling Township, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
9. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *Mississippi Valley Conservation recommends that any future re-development or new development on both the retained and severed lands, comply with a minimum 30 metre setback from the river. In addition, we recommend that the vegetated buffer along the shoreline of the river be maintained.*

2. MVC also advises that pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission is required from MVC prior to any alterations to the shoreline of the river.

In addition, the property owner should be advised that, 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 river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

3. The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Don & Margaret Hartwell

Hearing Date: October 24, 2011

Agent: Yvonne Sweatman

LDC File #: B11/110 and B11/111

Municipality: Township of Beckwith

Geographic Township: Beckwith

Lot: 113

Park Lot: 24 Franktown

Roll No. 0924 000 010 19400

Consent Type: 2 New Lots

Purpose and Effect: To sever two residential building lots (0.907-ha and 1.47-ha) and to retain a 4.618-ha vacant lot. The lands are accessed via Richmond Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/110	B11/111	
Existing Use	Farmland	Farmland	Farmland
Proposed Use	Residential	Residential	Residential
Area	0.907 ha	1.47 ha	4.618
Frontage	51.93 m	81.96 m	124.14 m
Depth	174.64 m	174.64 m	248.14 m
Road - Access to	County Road	County Road	County Road
Water Supply	None	None	Private Well
Sewage Disposal	None	None	Private Septic
Official Plan Designation	Rural		
-Conformity?	Yes		
Zoning Category	Rural		Rural
-Area Required (min.)	0.4-ha		0.4-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	45 m		45 m
-Compliance?	Yes		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 4 General Provisions, Section 6.5 Wetlands, Section 7.2 County Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 11 Rural 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.
4. That the applicant prepares and submits a grading and drainage plan to the satisfaction of the Township of Beckwith.

Conservation Authority- Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application for the creation of 2 new residential lots on a 17.3 acre 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. This letter is intended to summarize our findings and recommendations.

Hazards (Flooding, Unstable slopes, soils and bedrock)

No natural hazards have been identified on this site.

Natural Heritage

There are no natural heritage issues *precluding* the approval of these applications. However, a large area of these lands are part of the Provincially Significant Wetland (PSW) known as the Franktown Swamp and the associated 120 metre adjacent buffer lands. Section 2.1.6 of the 2005 Provincial Policy Statement states that:

"Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies ... 2.1.4 [significant wetlands south and east of the Canadian shield] ... unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions."

Further, a watercourse bisects the site on a north-south axis, which connects the Franktown Swamp PSW and the Goodwood Marsh PSW. Although this feature is small, it does connect two significant natural features, and the protection of this watercourse and the buffering land is important. The EIS submitted in support of the application does indicate that the watercourse provides an important fish migration function between the two wetlands. The RVCA has agreed that although these are new lots, some encroachment to allow for an access driveway can be tolerated over a small distance. The RVCA regulatory policies and the direction from the Ontario Ministry of Natural Resources 2010 Natural Heritage Reference Manual indicate that 30 metres is the minimum setback to protect watercourses against the effects of development as it relates to aquatic habitat and water quality (soluble nutrients, soil bound nutrients and sediment pollution, and removal of terrestrial vegetation).

The Provincially Significant Wetland and the 120 metre buffer lands, as well as the watercourse bisecting the property, are subject to Ontario Regulation 174/06, under Section 28 of the *Conservation Authorities Act*. Any site alteration within these boundaries (as shown on the attached map) or alteration to the bed or banks of the watercourse requires a permit from the RVCA under the "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" regulation.

Recommendation

The applicant has submitted an Environmental Impact Statement (EIS) 'Proposed

Severances Richmond Road, Beckwith Township. Dated June 13, 2011, prepared by Muncaster Environmental Planning, in support of the severances which has been reviewed by RVCA staff. Based on the information provided and RVCA mapping, there appears to be sufficient development envelopes to construct a residence and associated private services outside of the sensitive lands on each of the proposed parcels.

We wish to advise the committee that the Conservation Authority has no objections to these applications; however we recommend that the following conditions be imposed on the retained and severed lots based on the conclusions and recommendations of the EIS and on relevant policy documents:

Retained Lands:

That the applicant enter into a Development Agreement between the Township and the owner notifying owners;

1) The majority of this property is within Franktown Swamp Provincially Significant Wetland (PSW) or within the associated 120 metre adjacent buffer lands. The PSW and the 120 metre buffer lands are 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. The application may require the submission of a site specific environmental impact statement detailing the proposed development and associated mitigation measures.

2) The development envelope shall be a minimum of 30 metres away from the boundary of the Franktown Swamp Provincially Significant Wetland, and 30 metres from the edge of the watercourse running along the western boundary of the lot. A small area of meadow marsh in the south-east corner is also to be excluded from development as long as it remains wetland habitat.

3) The EIS *'Proposed Severances Richmond Road, Beckwith Township. Dated June 13, 2011, prepared by Muncaster Environmental Planning,'* and a map showing the boundaries of Ontario Regulation 174/06 'Development, Interference with Wetlands and Alterations to Shoreline and Watercourses' under Section 28 of the *Conservation Authorities Act* are attached as a schedule to the Development Agreement.

Severed lot B11/111 (west)

That the applicant enter into a Development Agreement between the Township and the owner notifying future owners:

1) The majority of this property is within Franktown Swamp Provincially Significant Wetland (PSW) or within the associated 120 metre adjacent buffer lands. The PSW and the 120 metre buffer lands are 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. The application may require the submission of a site specific environmental impact statement detailing the proposed development and associated mitigation measures.

2) The development envelope shall be a minimum of 30 metres away from the

Provincially Significant Wetland Franktown Swamp to the south,

3) The EIS '*Proposed Severances Richmond Road, Beckwith Township. Dated June 13, 2011, prepared by Muncaster Environmental Planning,*' and a map showing the boundaries of Ontario Regulation 174/06 'Development, Interference with Wetlands and Alterations to Shoreline and Watercourses' under Section 28 of the *Conservation Authorities Act* are attached as a schedule to the Development Agreement.

Severed lot B11/111 (east)

1) The majority of this property is within Franktown Swamp Provincially Significant Wetland (PSW) or within the associated 120 metre adjacent buffer lands. The PSW and the 120 metre buffer lands are 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. The application may require the submission of a site specific environmental impact statement detailing the proposed development and associated mitigation measures.

2) The development envelope shall be a minimum of 30 metres away from the Franktown Swamp Provincially Significant Wetland, and 30 meters from the edge of the watercourse running along the eastern boundary of the lot. A small area of meadow marsh in the southeast corner is also to be excluded from development as long as it remains wetland habitat,

The access driveway adjacent the watercourse shall be located at least 10 metres from the edge of the watercourse. The crossing shall be located in the cleared area, approximately 20 metres south of Richmond Road and shall follow the mitigation measures as described in the EIS '*Proposed Severances Richmond Road, Beckwith Township. Dated June 13, 2011, prepared by Muncaster Environmental Planning.*' A permit is required under O.Reg 174/06 from the Rideau Valley Conservation Authority for these works.

4) The EIS '*Proposed Severances Richmond Road, Beckwith Township. Dated June 13, 2011, prepared by Muncaster Environmental Planning*' and a map showing the boundaries of Ontario Regulation 174/06 'Development, Interference with Wetlands and Alterations to Shoreline and Watercourses' under Section 28 of the *Conservation Authorities Act* are attached as a schedule to the Development Agreement.

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

Severed B11/110 – The severed property is 51.93m X 174.64m and is currently a field. It is intended for residential use. There is minimal topsoil before rock. Slope is toward road. There is ample land to install a conventional septic system. Depending on the exact location, it may need to be fully or partially raised using imported sandy loam fill. RVCA has provided comment regarding building envelope.

Severed B11/111 – The severed property is 81.96m X 174.64m and is currently a field. It is intended for residential use. There is minimal topsoil before rock. The slope appears to be toward the road. There is sufficient land to install a conventional septic system. It will need to be partially or fully raised, depending on exact location, using sandy loam fill. RVCA has provided comment re: building envelope.

Retained – The retained property is 124.14m X 248.14m and is currently a field. It is intended for residential use. There is minimal topsoil before rock. The slope appears to be toward the south west. There is sufficient land to install a conventional septic system. It will need to be partially or fully raised, depending on exact location, using sandy loam fill. RVCA has provided comment re: building envelope.

County Public Works Department –

Lands to be severed by B11/110 has an approved entrance location (Application #2334) which will service the severed land and PIN 1865 as a common residential entrance.

Lands to be severed by B11/111 and the retained lands have an approved entrance location (application #2333) which will also be a Common Residential entrance to service these lands.

Sufficient lands shall be deeded to “The Corporation of the County of Lanark” along the frontage of the lot to be severed to meet the municipality’s road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality’s road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County.

“In Preparation” Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval prior to registration, 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 County of Lanark Construction Supervisor shall be consulted prior to commencing a survey to determine the amount of road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration. Following registration one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lots (0.907-ha and 1.47-ha) and retain a 4.618-ha vacant landholding.

The subject lands are located in an area characterized by Residential on large landholdings along Richmond Road and is east of the settlement area of Franktown.

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

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. 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 Beckwith and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES – October 24, 2011

Don and Margaret Hartwell, owners and Yvonne Sweatman, agent, attended the hearing and gave evidence under oath.

Ms. Sweatman advised that an EIS has been completed and that as per the request of the RVCA, the lot lines have been configured in such a way that the wetland area has been maintained under a single ownership.

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: Both Applications have the same conditions:

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

local improvement charges, if applicable) shall be paid to the Township of Beckwith.

4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
5. The applicant shall prepare and submit a grading and drainage plan to the satisfaction of the Township of Beckwith.
6. The applicant shall obtain a Civic Address Number from the Township of Beckwith. The applicant shall consult directly with the Township in this regard.
7. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Beckwith. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of July 27, 2011, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
8. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
9. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
10. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, 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 County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
11. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 through #10 has been fulfilled to their satisfaction.
12. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #7 has been fulfilled to their satisfaction.
13. A letter shall be received from the Township of Beckwith stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
3. *The Leeds Grenville and Lanark District Health Unit advises that depending on the location, the septic system may need to be fully or partially raised using imported sandy loam fill for both the severed and retained lands.*
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.

Addition Note for B11/111:

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Tim Vokey & Beth Robertson

Hearing Date: October 24, 2011

LDC File #: B11/115

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 18 **Con.:** 2

Roll No. 0940 934 010 13400

Consent Type: New Lot

Purpose and Effect: To sever a 1.336-ha residential lot with an existing dwelling at 306 Stewart-Gibson Road and retain a 15.2-ha vacant landholding. The lands to be severed are accessed via Stewart-Gibson Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Residential Residential	Vacant Land Vacant Land
Area	1.336 ha	15.2 ha
Frontage	147.83 m	431.29 m
Depth	91.44 m	354.34 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	N/A
Sewage Disposal	Private Septic	N/A
Official Plan Designation -Conformity?	Rural and Organic Soils Yes	
Zoning Category	Rural & Organic Soils	Rural & Organic Soils
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60m	60m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

3.1 Natural Hazards

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

Official Plan –Section 3.0 Growth and Settlement, Section 3.6 Rural Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 8.2 Organic Soils, Section 10.11.13 Subdivisions, Consents and Part-Lot Control. The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone.

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot on a property with frontage on Stewart Gibson Road. The holding is legally described as Part Lot 18, Concession 2, Geographic Township of Lanark, now in the Township of Lanark Highlands, County of Lanark and more commonly referred to as 306 Stewart Gibson Road. The holding also enjoys frontage on 2 Concession Lanark.

The applicant wishes to create a new lot for residential purposes. The proposed retained lands will have 431 metres of frontage on Stewart Gibson Road, and an area of approximately 15.2 hectares (37 acres). The proposed severed lands will have an area of approximately 1.3 hectares (3.2 acres) and frontage of 147 metres. The proposed severed lands are currently vacant. There are no specific details at this time of the form or scale of residential development to be constructed on the lands. Constructed on the proposed retained lands is a residential dwelling.

The properties are designated Rural on Schedule 'A4' of the Township of Lanark Highlands Official Plan and zoned Rural, on Schedule 'A4' of the Township of Lanark Highlands Zoning By-law. Surrounding lands are rural with scattered residential uses in the vicinity. The Village of Hopetown is east of the subject lands.

1.1 PROVINCIAL POLICY

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

Section 1.1.4.1 of the Provincial Policy Statement provides direction with regard to development within the rural areas and allows for limited residential development and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape. No new municipal infrastructure will be necessary if this application is approved by the Land Division Committee of the County of Lanark.

The proposed lot will be privately serviced. Prior to construction the applicant will be required to obtain a permit from the Health Unit. Section 1.6.4 of the PPS requires that the applicant provide assurance that there is a treatment solution for any hauled sewage. Although the Township does not have existing treatment facilities the existing contractors do transport to a treatment facility outside of the Township.

The proposed lot is consistent with provincial directives.

1.2 OFFICIAL PLAN

The lands are designated Rural on Schedule 'A 4' of the Township of Lanark Highlands Official Plan. Rural development concepts outlined within the Official Plan discuss a settlement pattern of very low density consisting of residences distributed along existing road networks. The intent of the Official Plan is to protect the rural setting and natural resources for their economic value. The Robertson proposal respects that intent.

Any application for consent must be evaluated with the policy directives of Section 10.11 .13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features. The proposed lot areas exceed minimum standards and all lots have frontage on a municipal road.

The proposed new lot will have sufficient area to provide for access, snow removal and private water and sewage services. There are no identified natural heritage features on the lands or on the abutting lands. The proposed retained lot is also of sufficient size and area to accommodate the proposed residential development.

The application demonstrates compliance with Official Plan directives.

1.3 ZONING

The lands are zoned Rural on Schedule A 4' of Zoning By-law 2003-451. The proposed residential use is a permitted use within this zone. The proposed severed and retained lots will meet the requirements of the rural zone.

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

1.4 DISCUSSION

The proposal will if approved result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval. The proposal is an expected and desirable land use and as such represents good planning.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed is submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township's Public Works Department in this regard.
6. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.
7. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.

Conservation Authority- Mississippi Valley Conservation

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a developed 1.336 ha lot and retain a vacant 15.2 ha lot.

PROPERTY CHARACTERISTICS

A review of available GIS mapping did not reveal any natural heritage features or natural hazards on the subject property. However, recently obtain Drape Imagery illustrates the presence of some lowland area on the proposed retained lands. The presence of this lowland is reflected in the township's zoning schedule as organic soils. No other natural heritage features or natural hazards were identified on the subject property.

REVIEW

Natural Hazards - Organic Soils

The poor drainage and unstable characteristics of organic soils makes them unsuitable for development. Therefore, development should be directed outside of these areas.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject application

provided that future development on the proposed retained lands is directed outside of areas containing organic soils.

NOTES

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 – Drainage is good. Lot is on the highest point of the property. Soil is sandy loam but varies in depth, depending on location. Recently installed system operating properly, Lot is large enough to install a replacement system if ever required.

Retained – Partially cleared vacant land. Sandy loam soil of varying depth with some rock outcrops. Flat on the east side sloping northwest on the west side. Large lot with adequate space for on-site sewage disposal. Imported septic fill will be required to construct a system.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.336-ha residential lot with an existing dwelling at 306 Stewart-Gibson Road and retain a 15.2-ha vacant landholding. One previous consent was taken from the original landholding in 2009.

The subject lands are located in an area characterized by Residential on larger type building lots along Stewart-Gibson Road. The lands are west of the settlement area of Hopetown.

The lands are accessed via Stewart-Gibson Road, a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate

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 Lanark Highlands.

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 Lanark Highlands and could be given favourable consideration.

(d) PUBLIC INPUT

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

Joan and Gerry Barker

We wish to offer our support for the approval of the application for severance filed by Laura Robertson and Timothy Vokey, our neighbours. We believe that there is lots of room on Stewart Gibson Road for further housing development and that such development will benefit the neighbourhood, the Township and the County.

Please advise us of the date for the public meeting and the outcome of this application.

(e) MINUTES – October 24, 2011

Tim Vokey and Beth Robertson, owners, attended the hearing and gave evidence by affirmation.

Ms. Robertson advised that they intend to continue to use the retained lands as a 'sugar bush' operation and that they have no immediate plans for any residential development.

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one**

year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the future septic system area on the retained lands.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*

3. *The current Official Plan provides that up to two consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*
4. *The Mississippi Valley Conservation advise that future development on the proposed retained lands should be directed outside of areas containing organic soils.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Gordon Harrison & Claudia Smith **Hearing Date:** October 24, 2011
LDC File #: B11/117 and B11/118
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 16 **Con.:** 11
Roll No. 0940 934 020 08000 **Consent Type:** 2 New Lots

Purpose and Effect: To sever two residential building lots (3.47 ha and 1.74 ha) and retain a 20.26-ha landholding with an existing dwelling, barn and outbuildings located at 2582 Wolfe Grove Road. The lands to be severed are accessed via Lanark Con 12C.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/117	B11/118	
Existing Use Proposed Use	Wooded Residential	Agriculture Residential	Residential Residential
Area	3.47 ha	1.74 ha	20.26 ha
Frontage	263 m	132 m	132 m
Depth	132 m	132 m	282 m
Road - Access to	Municipal Road	Municipal Road	County Road
Water Supply	Proposed Well	Proposed	Private Well
Sewage Disposal	Proposed Septic	Proposed	Private Septic
Official Plan Designation -Conformity?	Rural (shown of Crown Lands – this is an error which will be corrected on the next updated schedule.		
Zoning Category	EP – error should be Rural		EP – error should be Rural
-Area Required (min.)	1.0-ha		1.0-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	60 m		60 m
-Compliance?	Yes		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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.

Official Plan – Section 3 Growth and Settlement Policies, Section 3.6 Rural Policy Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 4.5.3 Township Roads, Section 7.5 Natural Heritage Features, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone.

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots on the 12 Con C Lanark. The property is legally described as Pt Lot 16 Concession 11, Geographic Township of Lanark now in the Township of Lanark Highlands. The property is commonly referred to as 2582 Wolf Grove Rd.

The applicant wishes to sever his lands and create two separate parcels with frontage on 12 Con C Lanark.

The proposed severed lots are vacant at present, residential uses are proposed. There is residential dwelling and barn constructed on the proposed retained lot.

The property is designated as Rural on Schedule 'A 2' of the Township's Official Plan

and zoned Limited Service Rural on Schedule 'A 2' by Zoning By-law 2003-451.

PROVINCIAL POLICY

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

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lots have access on a municipally maintained road.

OFFICIAL PLAN

The subject lands are designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. This designation allows for low density development consisting of residences along the existing roadways and waterways.

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

The proposal as submitted can achieve those directives.

ZONING

The lands are zoned Limited Service Rural on Schedule 'A 2' of Zoning By-law 2003-451. The proposal appears to meet the performance standards of the zoning by-law.

The proposal will, if approved, result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval.

The application as proposed can be considered as appropriate and as such represents good planning.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.

3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township's Public Works Department in this regard.
6. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.
7. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.

Conservation Authority- Mississippi Valley Conservation Sept 21, 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 (2) vacant lots — B11/117 is 3.47 ha while B11/118 is 1.74 hectares. The proposed retained land is 20.26 ha with an existing dwelling and outbuildings.

PROPERTY CHARACTERISTICS

As revealed by a review of available GIS mapping and aerial photography, an unclassified wetland exists on the proposed retained lands. This wetland is intersected by the driveway to the existing dwelling. In addition, mapping indicates an unnamed watercourse travelling through this wetland. A site visit conducted by MVC staff on September 20, 2011 confirmed the presence of the wetland; however, the watercourse was not observed. The proposed severed lands under B11/118 appear as an open field while B11/117 is largely forested. No other natural heritage features or natural hazards were identified on the subject property.

REVIEW

Natural Heritage Values — Wetland

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

Natural Hazards - Organic Soils

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. However, the retained lands are already developed with no new development proposed at this time.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject applications.

NOTES

With respect to the retained land, we take this opportunity to recommend that any potential future re-development or new development, comply with a minimum 30 metre setback from the wetland. In addition, we recommend that the wetland remain undisturbed.

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

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.

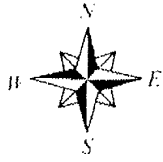
Should any questions arise please do not hesitate to call. Please advise us of the Committee's decision in this matter.

On-Site Services (Septics) – Leeds Grenville & Lanark District Health Unit Severed – (Same report for B11/117 and B11/118) - Drainage is good. The land slopes away to the south and west of this hayfield. Soil is sandy loam less than 20 cm deep on bedrock. This lot is large enough to accommodate on-site sewage disposal, but imported fill will be required to construct a system due to depth of soil.

Retained – Large property with sandy loam soils of varying depths and visible bedrock outcrops. No signs of failure from existing system. Agricultural use. This severance will not negatively affect on-site sewage disposal on the retained property.

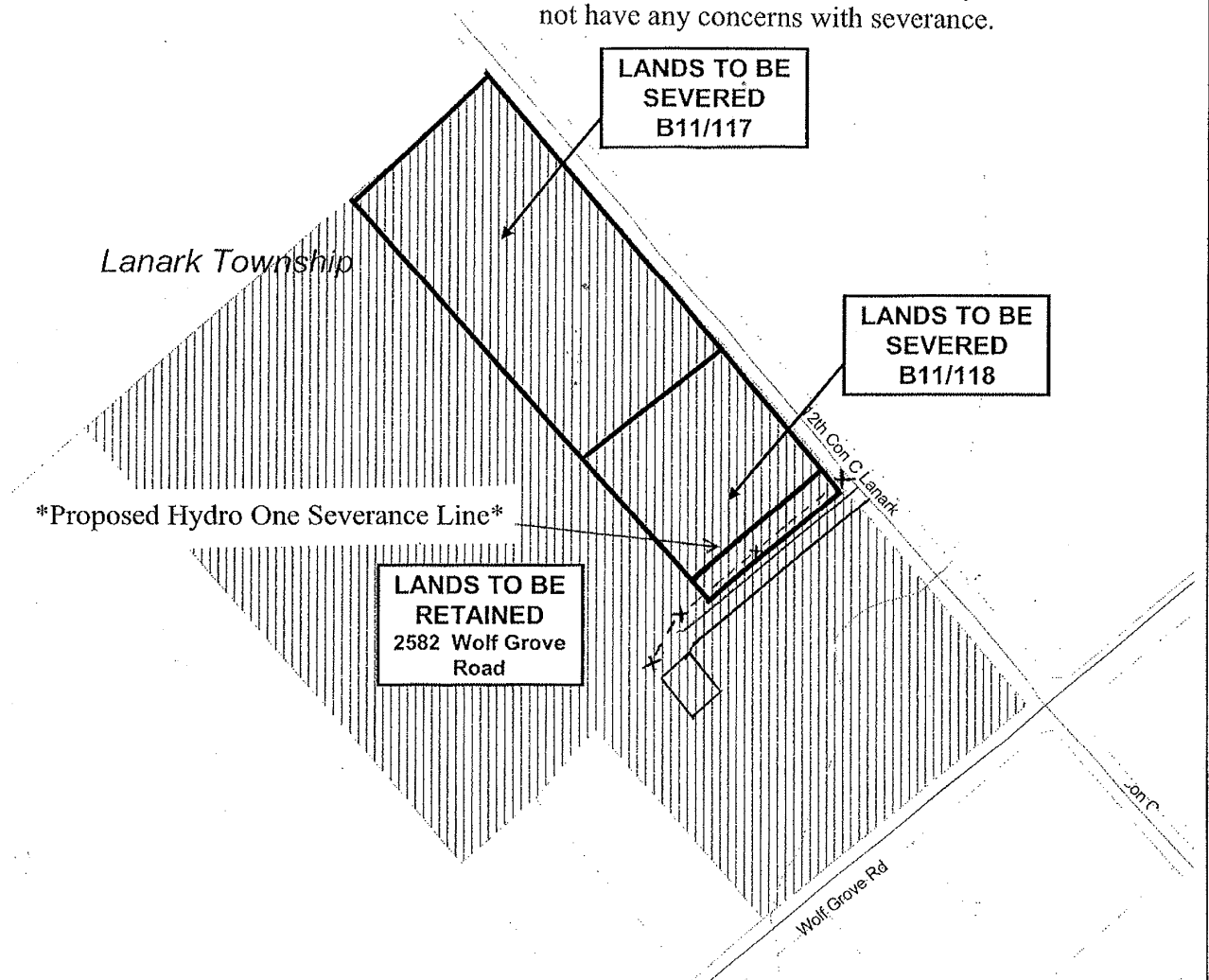
Hydro One Networks – I made a field visit to the above noted property and determined that there was an existing hydro line passing through the proposed land severance. I have provided a drawing to show my concerns as well as an alternative severance line within 5 meters clearance.

Hydro One has no other concerns with this severance.



* Severance Line must be 5m from Hydro Line.

*If severance line could be moved 5 meters north of existing Hydro One line. Hydro One will not have any concerns with severance.



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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lots (3.47-ha and 1/74-ha) and retain a 20.26-ha landholding with an existing dwelling and outbuildings located at 2582 Wolf Grove Road.

The subject lands are located in an area characterized by Residential on large landholdings along 12th Con C Dal, intermixed with smaller type residential lots along Wolf Grove Road.

The retained lands are accessed via Wolf Grove Road, a County maintained road, while

the severed lots are accessed via 12th Con C Dal, a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate

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 Lanark Highlands.

It is noted and acknowledged by the Township that the OP and Zoning Schedules are incorrect in that the lands have been shown as “Crown Lands”. Mr. Harrison has provided confirmation that he is the owner of these lands and the Township acknowledges that the error will be corrected with the next OPA and Zoning Amendment to the comprehensive plans.

As noted by Hydro One, a Hydro Line runs along the southerly boundary of B11/117 and have requested that the applicant consider relocating this boundary to the north to provide a 5 metre clearance from the lines. Mr. Harrison has agreed to this request.

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 Lanark Highlands and could be given favourable consideration.

(d) PUBLIC INPUT

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

(e) MINUTES – October 24, 2011

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: The same conditions apply to both 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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented October 26, 2011.
4. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township if Lanark Highlands.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.

12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *The Mississippi Valley Conservation recommends that any potential future re-development or new development on the retained lands, comply with a minimum 30 metre setback from the wetland. In addition, we recommend that the wetland remain undisturbed.*
5. *The MVC also advises that any proposed works in or near the wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact MNR for technical advice and to discuss what activities can occur without contravention of the Act. If

an activity is proposed that will contravene the Act, the developer must contact the MNR to discuss the potential for application of certain permits or agreement.

Additional Note for B11/118

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Grace Bowes **Hearing Date:** October 24, 2011
Applicant: J. C. Caldwell-Bowes
LDC File #: B11/121 and B11/122
Municipality: Township of Lanark Highlands
Geographic Township: Lanark **Lot:** 17 **Con.:** 7
Roll No. 0940 934 015 17200 **Consent Type:** 2 New Lots

Purpose and Effect: To sever two (2) residential building lots each containing 1.01-ha and retain a 39.3-ha holding with an existing dwelling, barn and outbuildings (located at 308 Darling Road). The lands to be severed are accessed via Darling Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/121	B11/122	
Existing Use	Pasture	Pasture	Agricultural
Proposed Use	Residential	Residential	Agricultural
Area	1.01 ha	1.01 ha	39.3 ha
Frontage	61 m	61 m	610 m
Depth	161 m	161 m	610 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed Well	Proposed Well	Private Well
Sewage Disposal	Proposed Septic	Proposed Septic	Private Septic
Official Plan Designation	Rural		
-Conformity?	Yes		
Zoning Category	Rural		Rural
-Area Required (min.)	1.0-ha		1.0-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	60 m		60 m
-Compliance?	Yes		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

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

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.

Official Plan – Section 3.0 Growth and Settlement, Section 3.6 Rural Area, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.3 Township Roads, Section 7.5 Natural Heritage Features, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone.

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots on the Darling Rd. The property is legally described as Pt Lot 17 Concession 7, Geographic Township of Lanark now in the Township of Lanark Highlands. The property is commonly referred to as 308 Darling Rd.

The applicant wishes to sever his lands and create two separate parcels with frontage on the Darling Rd.

The proposed severed lots are vacant at present, residential uses are proposed. There is residential dwelling and barn constructed on the proposed retained lot.

The property is designated as Rural on Schedule 'A 2' of the Township's Official Plan and zoned Limited Service Rural on Schedule 'A 2' by Zoning By-law 2003-451.

PROVINCIAL POLICY

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

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The proposal will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lots have access on a municipally maintained road.

1.2 OFFICIAL PLAN

The subject lands are designated Rural on Schedule 'A 2' of the Township of Lanark Highlands Official Plan. This designation allows for low density development consisting of residences along the existing roadways and waterways. Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposal as submitted can achieve those directives.

1.3 ZONING

The lands are zoned Limited Service Rural on Schedule 'A 2' of Zoning By-law 2003-451. The proposal appears to meet the performance standards of the zoning by-law.

The proposal will if approved result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval.

The application as proposed can be considered as appropriate and as such represents good planning.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final

- approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
 5. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township's Public Works Department in this regard.
 6. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.
 7. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.

Conservation Authority- Mississippi Valley Conservation Sept 21, 2011

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

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (2) vacant 2.5-ac building lots and retain 95.5 acres with an existing residence and outbuildings.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, a large portion of the proposed retained lands are located within an area identified by the Ministry of Natural Resources as a significant deer wintering area. We estimate that the proposed severed lands are located just beyond the limit of this deer yard. No other natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Features - Deer Yard

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within significant wildlife habitat, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally assessed through an Environmental Impact Statement (EIS). However, in this case, the proposed retained lands are already developed with no new development proposed at this time. And, the proposed severed lands do not appear to encroach into the boundary of the deer yard.

Natural Hazards - None identified.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC does not have any objection to the subject applications. Given the proximity of the deer yard, we recommend that pet dogs be controlled and not allowed to disturb or harass deer.

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 – (Same report for B11/121 and B11/122) – Drainage is good. Flat lot with sandy loam topsoil less than 30 cm in depth. Partially cleared pasture and bush. This lot is large enough to accommodate an on-site sewage disposal system. Imported septic fill will likely be required to construct a system.

Retained – Large property with similar soil conditions. Agricultural and residential use. This severance will not affect on-site sewage disposal on the retained property.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lots (1.01-ha each) and retain and retain a 39.3-ha landholding with an existing dwelling, barn and outbuildings, located at 308 Darling Road.

The subject lands are located in an area characterized by Residential on large landholdings to the north and west along Darling Road and Farm to the south.

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

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

Bedrock Inventory – Marble, Calc-silicate

The lands to be severed are on the outskirts of a designated “Deer Wintering Area”. The applicant prepared an EIS to address the presence of the Deer Yard, which was reviewed by the Conservation Authority. Mitigative Measures were discussed with the applicant and have been included as ‘notes’ if approved.

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 Lanark Highlands.

Farm buildings (livestock facilities) are located on the retained lands. Accordingly, an MDS Calculation was undertaken which resulted in a setback requirement of 145 from

the livestock facility. B11/121 is outside the 145 m setback area, however B11/122 may have difficulty citing a 'building envelope' outside the MDS area, if approved it is recommended that the applicant demonstrate that there is a sufficient building envelope outside the MDS

Setback area for B11/122.

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 Lanark Highlands and could be given favourable consideration.

(d) PUBLIC INPUT

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

S.E. Rodger Sept 26, 2011

All lands in this area are classed as deer yards - these two lots surely is a haven for all habitat.

At times there is manure spread, noisy machinery and wood cutting on my property at Lot 17 Cone. 6 Lanark, 309 Darling Road, which is directly in front of the two properties proposed for severance.

All residential properties on lower Darling Road are from 5-12 acres giving us our own privacy. These two lots will take our privacy from us, especially from my own property even with a setback allotted.

The Darling Road would require widening and sufficient ditching, especially starting at 308 Darling going North towards Galbraith Road, to accommodate this property for either two entrances or just one. Darling Road has a high volume of traffic and would require much work for additional residences.

With farm buildings and out buildings adjacent to one lot, I would prefer the five acres to not be severed because it once was and still could be, an agricultural farm, but if a severance is required I would agree to one severance of five acres with one residence. Lastly, I question the name of the agent as written in the notice, and the number of hectares on the lands to be retained, there seems to be discrepancies with these. Both should be clarified in writing, to all who received this notice.

I wish to be notified of the public meeting and also to be notified of the decision.

Bruce and John Rodger – October 6, 2011

Are the lots proposed for severance classified as a deer sanctuary? If so will there be a study on the impacts?

Will it be stated in the deed that the farmland adjacent to the property has cattle, manure, chemicals and noise?

Are the existing farm buildings too close to the severed lots?

Can the exact acreage of the lands to be retained please be verified?

Please notify us of the public meeting and notify us of the decision.

Brent & Lisa King

Note: It is in our opinion that due to the fact that all residential properties in our general vicinity have at least 5-12 acres per household that it would not be fitting to place, or have 2 dwellings on 2.5 acre lots, we certainly enjoy the fact that each of our homes in the area have significant privacy and would be against there be two more homes so close together and so close you to our property, We would make the suggestion that maybe only one severance of 5 acres would be a great compromise, instead of an outright no to a severance at all.

Response by JC Caldwell-Bowes

DEFENCE OF GRACE BOWES' SEVERANCE APPLICATION

Grace & Kenneth Bowes, of 308 Darling Road, being the sole occupants for decades, of the one-half mile of lower Darling Road, at Wolfe Grove Road, then known as the 7th line, were not initially overly pleased when Herman Manson, of rural Middleville, severed his property, providing our parents with neighbours, diagonally across the road, who, following our parent's new neighbour's marriage break-up, the house was occupied next with a life-time acquaintance, Sylvia Rodger, who occupied the severed property, a neighbour who vastly increased our parent's comfort level in their senior years, particularly once our Mother was widowed.

Nor was Raymond Blackburn, yet another neighbour, particularly pleased when he severed his property anticipating his new neighbours would build on the lower slope of his severed property, however, choose the hill top house location, over-viewing his entire house and out buildings, thus depriving him of any privacy whatsoever, the price to pay for putting money into one's pocket.

Bruce Rodger severed his farm to provide land and thus housing requirements for his son and their family, as did Bruce's parents to release their lovely stone house to the next generation, his parents building a bungalow on the severed property across the road, now occupied by Bruce's other son, for a total of 2 severances.

Five new houses became neighbours to our parents on the same side of the road which saw the maple sugar camp lost in the housing development, depriving our parents of even more privacy, however our parents, once again, adapted, our widowed Mother gratefully accepting a drive from one of these neighbours, to the fitness group, she suggested be created, in Middleville.

Manure spreading, although perhaps undesirable, is all part of the normal, temporary, minor country living displeasures and all part of the fertilizing process of the land with its odoriferous scent which one is forced to accept when determining rural living's preference to city smog, year around.

This natural process of development has its mixed housing needs.

City developers provide housing in the form, of full-lot monster homes, regular sized homes, doubles/duplexes, townhouses, as well as apartment blocks. Rural housing needs often cry for smaller lots which do not bring in undesirable occupants but housing needs for young couples and newly retired couples who may not wish the work and responsibility of large acreage. A former, temporary neighbour of the 5 houses, a 12 acre lot, was a New York City criminal loosing himself in rural Canada until things cooled down; I understand he has since been re-incarcerated.

We ask, as the Agents for Grace Bowes, of 308 Darling Road, that the proposed 2, 2 ½ acre lots be granted severance as has been permitted for the four surrounding neighbours over the past decades.

Joyce Caldwell/Bowes (Farrell) , Marilyn Bowes-Henry, Agents for Grace Bowes little confusion with the names. I used my artistic name since it contains my maiden name, familiar to those in the area.

(e) **MINUTES – October 24, 2011**

Joyce Caldwell-Bowes, agent, attended the hearing and gave evidence under oath.

Ms. Caldwell-Bowes requested clarification on the MDS requirement and was advised that for B11/123, she would need to provide confirmation that a 'building envelope' could be obtained taking into consideration the MDS Setback from the livestock facility on the retained lands.

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

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

B11/121

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

2. The 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 lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The applicant is advised that the retained lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*

2. *The applicant is also advised that where lands are within a recognized “Wintering Area – Deer Yard” that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*

3. *The applicant is advised of the following mitigative measures to address the Environmental Impact Assessment:*
 - *Removal of terrestrial vegetation should be kept to the minimum required in order to develop the site. No additional removal of vegetation from within the deer yard should be allowed.*
 - *No removal of vegetation should occur between May 15th and July 15th to protect breeding birds.*
 - *If any species at risk be observed during construction the MN should be contacted immediately.*
 - *Use of invasive non-native plant material should be discouraged.*
 - *Use “Best Management Practices” (BMP’s) for low impact construction.*

4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

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.

B11/122

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The 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 lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. That the applicant demonstrate that there is a sufficient building envelope outside the MDS Setback area.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
9. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
12. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands 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.

13. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #12 has been fulfilled to their satisfaction.

NOTES

1. *The applicant is advised that the retained lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
3. *The applicant is advised of the following mitigative measures to address the Environmental Impact Assessment:*
 - *Removal of terrestrial vegetation should be kept to the minimum required in order to develop the site. No additional removal of vegetation from within the deer yard should be allowed.*
 - *No removal of vegetation should occur between May 15th and July 15th to protect breeding birds.*
 - *If any species at risk be observed during construction the MN should be contacted immediately.*
 - *Use of invasive non-native plant material should be discouraged.*
 - *Use "Best Management Practices" (BMP's) for low impact construction.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
6. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.
The Township of Lanark Highlands will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
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.

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Thomas & Cheryl Dunlop **Hearing Date:** October 24, 2011
Agent: Troy Dunlop
LDC File #: B11/123
Municipality: Township of Lanark Highlands
Geographic Township: Dalhousie **Lot:** 11 & 12 **Con.:** 8
Roll No. 0940 003 030 05100 **Consent Type:** New Lot
 And 0940 003 030 06000

Purpose and Effect: To sever a 23.125-ha landholding with an existing golf course, residence and outbuildings (1108 9th Con B Dal.) located on the W Pt Lot 11 Conc. 8 Dalhousie and retain a 35.6-ha vacant landholding at the W Pt Lot 12 Conc. 8, Dalhousie. The two lots were inadvertently merged on title.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Golf course & residence	Vacant
Proposed Use	Golf course & residence	Vacant
Area	23.125 ha	35.6 ha
Frontage	663 m	854 m
Depth	500 m	565 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	None
Sewage Disposal	Private septic	None
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Commercial Recreational	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 3 Growth and Settlement Policies, Section 3.6 Rural Policy Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 4.5.3 Township Roads, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 6.0 Rural Zone, Section 15.0 Commercial Recreational Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report

An application has been received from the County of Lanark Land Division Committee to sever a 23 ha. Landholding with an existing golf course, residence and outbuildings on lands legally described as West Part of Lot 11, Concession 8, former Township and retain a 35.6 ha vacant land holding. The two lots inadvertently merged on title
OFFICIAL PLAN

The lands are designated Rural in the Township's Official Plan. The proposal is consistent with the Townships Official Plan.

ZONING

The retained lands are zoned Rural and the severed lands are zoning Commercial Recreation. The proposal is in compliance with the Townships Zoning By-law.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.

(c) PLANNING REVIEW

The applicant proposes to sever 23.125-ha landholding with a golf course, existing

residence and outbuildings and retain a 35.6-ha vacant landholding. During the process of conveying the previous two consents (Lot addition B2009/079 and new lot B2010/135 it was discovered that lot 11 and lot 12 had inadvertently merged on title. These two lots continue to be assessed separately.

The subject lands are located in an area characterized by Residential and Vacant Rural on large landholding along the 9th Con B Dal and Watson's Corners Road. A number of typical smaller type 'seasonal' lots are located on the westerly side of the 9th Con B Dal. No new development is proposed on either lot.

The lands to be retained are accessed via 9th Con B Dal, which the severed lands are accessed via both Watson's Corners Road; a County maintained road and 9th Con B Dal a municipally maintained road. Entrances currently exist and no new entrances are proposed.

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – marble, calc-silicate

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 Lanark Highlands.

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

The Provincial Policy Statements encourages economic opportunities within the rural area. The proposed severed lot currently functions as a "Golf Course Operation". This activity are appropriate in the rural area. The severed lands are larger than required by the Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) PUBLIC INPUT

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

(e) **MINUTES – October 24, 2011**

Thomas and Cheryl Dunlop, owners, attended the hearing and gave evidence under oath.

Mrs. Dunlop confirmed that the residence is located on the lands to be severed.

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

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES:

1. *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: Bennett Brothers Holdings **Hearing Date:** October 24, 2011
Agent: ZanderPlan Inc
LDC File #: B11/124
Municipality: Town of Carleton Place
Geographic Township: Beckwith **Lot:** 16 **Con.:** 11
Roll No. 0928 030 050 47500 **Consent Type:** New Lot

Purpose and Effect: To sever a 0.992-ha commercial/industrial building lot and retain a 2.015-ha lot with an existing auto dealership located at #375 McNeely Road. The lands to be severed are accessed via Hooper Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Auto Dealership
Proposed Use	Commercial/Industrial	Auto Dealership
Area	0.992 ha	2.015 ha
Frontage	88.73 m	189.75 m
Depth	95.97 m	102.92 m
Road - Access to	County Road	County Road
Water Supply	Municipal	Municipal
Sewage Disposal	Proposed - Municipal	Municipal
Official Plan Designation -Conformity?	Industrial Commercial Yes	
Zoning Category	Employment	Employment
-Area Required (min.)	n/a	n/a
-Compliance?	Lot Coverage 70%	Lot Coverage 70%

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.1.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

Section 1.1.3.3 Planning authorities shall identify and promoted opportunities for

intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including bownfield sites, and the availability of suitable existing or planned infrastructure and public services facilities required to accommodate projected needs.

1.6 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible before consideration is given to developing new infrastructure and public service facilities.

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

Official Plan – Section 3 – General Provisions, Section 4.6. Industrial Commercial Special Policy Area, Section 5 Transportation, Section 7.4 Subdivision and Part-lot control.

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

Development Permit By-law - Section 2.17 Development Review Process, Section 3.0 General Provisions, Section 6.0 Employment designations.

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

(b) AGENCY REVIEW

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

Town Planner's Report

SUMMARY

A consent application has been received for the property known municipally as 375 McNeely Avenue. The applicant is proposing to sever a vacant lot having a lot area of approximately 0.0992 ha. The retained lot has the existing automobile dealership which has a lot area of approximately 2.015 ha.

COMMENT

The Official Plan designation is Industrial-Commercial Special Policy Area (MC). This designation allows for certain limited Highway Commercial uses, such as, animal care, automobile body shop, contractors or tradespersons establishments, farm implement sales, farm supplies dealer, greenhouse, Laundromat and retail stores are also permitted uses in addition to those permitted in the Industrial designation.

The Development Permit designation of the property is Employment. The effect of the application will be to create a vacant lot that will allow future development and retain the existing lot with the automobile dealership. Services to the lot will be provided from Hooper Street. Access to the lot will be from McNeely Avenue through a shared access that has already been established. The applicant will be required to pay fifty percent (50%) of the cost of the existing shared entrance. There is an existing drainage ditch that forms part of the Town's municipal system that requires documentation to be created in order to ensure a proper easement in favour of the Town. This will be required to be

completed prior to severance of the land. This easement will become part of the severed lands.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
2. That the applicant provides a digital copy of the reference plan (in NAD83 datum);
3. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
4. That the applicant provides the required drainage easement in favour of the Town
5. That the applicant provides documentation that the required shared costs for the shared entrance have been paid.

County Roads Department – Entrance to Retained lands have an approved existing entrance Permit # 2008. Severed lands to gain entrance from municipal road via Hooper Street.

Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval prior to registration, 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 County of Lanark Construction Supervisor shall be consulted prior to commencing a survey to determine the amount of road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration. Following registration one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

(c) PLANNING REVIEW

The applicant proposes to sever 0.992-ha commercial / industrial building lot and retain a 2.015-ha lot with and existing auto dealership.

The subject lands are located in an area characterized by Industrial /Commercial along Hooper Street.

The lands are accessed via Hooper Street, a municipally maintained road.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town's Official Plan

which is appropriate in the settlement area setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) PUBLIC INPUT

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

Shannon King – Sept 21, 2011

I received the Notice of Application for Consent (File No.: B11/124, PT Lot 16 Conc. 11, Township of Beckwith). This notice requests land owners in the area make recommendations on or before Oct. 3, 2011. I would like to make a couple of recommendations:

1. The notice states that the entrance to the severed lands are to be accessed via Hooper St. I would like to ensure that the access remains via Hooper St. and is **not** changed at any point to McNeely Ave. We are one of many houses that back onto McNeely. The noise level from trucks entering and exiting the Shoppers Drug mart is already quite loud. An additional business property entrance on McNeely would certainly add to the noise pollution.
2. The land in question is currently a beautiful grassy field with many small trees and bushes. It would be nice to keep Carleton Place green by replacing the trees and bushes removed for construction with new ones, especially along the McNeely side.

If you could provide me with the public meeting information, as well as notifying me with the decision I would appreciate it.

(e) MINUTES – October 24, 2011

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

Ms. Zander advised that the entrance to the lot is already existing as a 'shared entrance' from McNeely Ave.

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

REASONS: Having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality, and having determined that the proposal is consistent with the policy statements issued under subsection

3(1) of the Planning Act, and having had regard to the matters under subsection 51(24) of the Planning Act.

CONDITIONS

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. The applicant to provide a digital copy of the registered reference plan in a NAD83 Datum file format to the Town of Carleton Place.
5. That the applicant provides the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
6. That the applicant provides the required drainage easement in favour of the Town of Carleton Place.
7. That the applicant provides documentation to the Town of Carleton Place and the County of Lanark Public Works Department that the required shared costs for the shared entrance have been paid.
8. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
9. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, 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 County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

10. A letter shall be received from the County of Lanark Public Works Department stating that condition #7 and #9 has been fulfilled to their satisfaction.
11. A letter shall be received from the Town of Carleton Place stating that condition #3 through #8 has been fulfilled to their satisfaction.