



**MINUTES
LAND DIVISION COMMITTEE**

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

Members Present: R. Strachan and D. Murphy

Member Absent: W. Guthrie

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

1. CALL TO ORDER

A quorum was present.

2. APPOINTMENT OF CHAIR

M. Kirkham, Secretary-Treasurer called the meeting to order and called for nominations for Chair for 2011 to 2014.

D. Murphy nominated R. Strachan who accepted for the term of 2011 and 2012 only.

The meeting was then turned over to R. Strachan, Chair.

3. DISCLOSURE OF PECUNIARY INTEREST

None.

4. APPROVAL OF MINUTES

MOTION #LD-2011-001

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

"THAT, the minutes of the Land Division Committee meeting held on December 20, 2010 be approved as circulated."
ADOPTED

5. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2011-002

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

“**THAT**, the agenda be adopted as circulated.”

ADOPTED

6. DELEGATIONS & PRESENTATIONS

None.

7. COMMUNICATIONS

None

8. REPORTS

8.1 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m. and 1:30 p.m. public hearings:

8.1.1 B10/ B10/088 – Brian and Roberta Lee – new lot
Pt Lot 8 Conc. 3, geographic Township of Darling, now in the Township of Lanark Highlands. (Highway 511)

8.1.2 B10/139 – Adrian Schouten – new lot
Pt Lot 10 Conc. A, Township of Montague. (Highway 43)

8.1.3 B10/151 - Roger Watson & Patricia Kleiber - new lot
Pt Lot 22 Conc. 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley (Dean Ridge Road).

8.1.4 B10/152 – Morley and Bonnie Fraser – New Lot
Pt Lot 25 Conc. 11, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Conc. 11)

8.1.5 B10/155 – James and Carol Noy - Lot addition
Pt Lot 16 Conc. 6, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Rideau Street)

8.1.6 B10/157 – Peter and Cheryl Dermann – Lot Addition
Pt Lot 16 Conc. 9, geographic Township of North Burgess, now in Tay Valley Township. (Scotch Line Road).

8.1.7 B10/160, B10/161 and B10/162 – Allan Imeson – three new lots
Pt Lot 8 Conc. 1, geographic Township of Drummond, now in the
Township of Drummond / North Elmsley. (Drummond Con. 1)

**8.1.8 B10/165 and B10/166 – Anthony Brownrigg and Tammy
Cameron** – two new lots.
Pt Lot 9 Conc. 1, Township of Montague. (Richardson Road).

8.1.9 B10/169 – Joyce Gardiner – new lot
Pt Lot 17 Conc. 8, geographic Township of Drummond, now in the
Township of Drummond / North Elmsley. (Gardiner Sideroad).

8.2 Applications Previously Heard and Awaiting a Decision

None

9. CONFIDENTIAL REPORTS

None

10. NEW/OTHER BUSINESS

None

11. PUBLIC HEARING:

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

11.1 PROVISIONAL CONSENT GRANTED

11.1.1 B10/088 – Brian and Roberta Lee – new lot

11.1.2 B10/139 – Adrian Schouten – new lot

11.1.3 B10/151 - Roger Watson & Patricia Kleiber - new lot

11.1.4 B10/152 – Morley and Bonnie Fraser – New Lot

11.1.5 B10/155 – James and Carol Noy - Lot addition

11.1.6 B10/157 – Peter and Cheryl Dermann – Lot Addition – Revised to New
Lot

11.1.7 B10/160, B10/161 and B10/162 – Allan Imeson – three new lots

11.1.8 B10/165 and B10/166 – Anthony Brownrigg and Tammy Cameron –

11.1.9 B10/169 – Joyce Gardiner – new lot

12. UPCOMING MEETINGS

Monday February 28, 2011 at 9:00 a.m.; and
Monday, March 28, 2011 at 9:00 a.m..

MOTION #LD-2011-003

MOVED BY: D. Murphy

SECONDED BY: R. Strachan

“THAT, the April LDC Meeting and Hearing be changed to May 2nd, 2011 and that the regular May LDC Meeting and Hearing be changed to May 30th, 2011.”

13. ADJOURNMENT – 11:32 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Brian & Roberta Lee **Hearing Date:** January 24, 2011
Agent: Brian Kerr OLS – McIntosh Perry Surveying Inc.
LDC File #: B10/088
Municipality: Township of Lanark Highlands
Geographic Township: Darling **Lot:** 8 **Concession:** 3
Roll No. 0940 944 010 09000 **Consent Type:** New lot

Purpose and Effect:

To sever a 1.4-ha residential building lot and retain a 160-ha landholding. The lands are accessed via Highway 511.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Vacant
Proposed Use	Residential	Vacant
Area	1.4-ha	160-ha
Frontage	120 m (frontage on open rd 51 m)	500 m (frontage on open Road 89 m)
Depth	120 m	1300 m
Road - Access to	County Road	County Road
Water Supply	Private Well	None
Sewage Disposal	Septic System	None
Official Plan Designation -Conformity?	Rural with Mineral Constraint Overlay Yes	
Zoning Category	Rural (holding symbol has been removed)	Rural (holding symbol has been removed)
-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.

2.5 Mineral Aggregate Resources

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

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

Section 2.5.2.5 In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the sources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

Official Plan – Section 3.0 Growth and Settlement, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 7.2 Mineral Resources, 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 5.5 Holding Symbol, Section 6.0 Rural Zone.

The Township of Lanark Highlands advises that the proposal complies with Zoning By-law amendment No. 2009-958.

(b) AGENCY REVIEW

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

Lanark Highlands Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot on the lands legally described as Part Lot 8, Concession 3, former Township of Darling now in the Township of Lanark Highlands. The lands front on Highway 511, a county road.

The applicant wishes to sever approximately 1.4 ha of land with frontage of 120 metres to create a new lot for residential purposes. The proposed retained lands will have 500 metres of frontage on Highway 511, and an area of approximately 160 hectares.

The property is designated as Rural on Schedule A 3 of the Township's Official Plan and zoned Rural on Schedule A 3 by Zoning By-law 2003-451. Currently constructed on the severed lands is a log dwelling. The proposed retained lands are vacant. The lands were previously subject to a zoning amendment application to remove the holding to establish a residential use. The amendment is now in full force and effect.

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.

Residential uses are proposed for the lands. Services for treatment of septic and the provision of potable water will be private and permits will be required prior to development. The lands appear to be of sufficient size and area to support those services.

Access is provided by a County Road. Consultation with the county is required for an entrance permit. No new infrastructure is expected by means of this application.

Section 2.4 of the PPS protects mineral reserves for the long term. Comments from the Ministry of Northern Mines and Development indicate that this proposal is within a built up area and as such they do not believe that the proposed residential use will result in any land use conflicts.

Official Plan

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

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

Consultation with the Ministry of Northern Mines and Development is required prior to any severance application moving forward for consideration. The applicant has obtained correspondence from the Ministry that indicates that they have no concerns with the application.

The proposal as submitted can achieve those directives and generally complies with the Official Plan.

ZONING

The lands are zoned Rural. Residential development is an expected and permitted use of the rural zone. Existing setbacks will be reviewed and any new residential development will need to respect the performance standards of the zoning bylaw.

Discussion

The application as submitted is consistent with the PPS, Official Plan policies and complies with zoning. The application as proposed can be considered as appropriate and as such represents good planning.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
3. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
4. That the applicant pay any outstanding fees to the Township prior to final approval.
5. That the applicant pay the 5% cash-in-lieu of parkland dedication to the Township.

Conservation Authority – Mississippi Valley Conservation July 30, 2010

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

According to the information provided, the purpose of the subject application is to sever 1.4 ha with an existing dwelling and retain a vacant 160.0-ha landholding.

Three unnamed watercourses appear to exist on the subject retained lands; one is a tributary of Murray Lake while the remaining two watercourses connect to Stewarts Lake. Stewarts Lake is surrounded by unclassified wetland and is entirely located on the retained lands. No natural heritage features or natural hazards were identified on the proposed severed lands.

The resulting lots meet with the current minimum area requirements set out in the Township of Lanark Highlands' Zoning By-law. In addition, sufficient area appears to exist on the retained lands to locate potential future development in compliance with the zoning provisions. With all of this in consideration, MVC does not have any objection to

the subject application provided the following mitigative measures are implemented for any future development on the proposed retained lands, in the form of a Development Agreement or Site Plan Control:

1. Future development, including a septic system shall be setback the eater of:
 - a minimum 30 metres from the seasonal high water mark of the watercourses and Stewarts Lake
 - a minimum 30 metres from the boundary of the unclassified wetland
 - beyond the waterbody setback specified in the Zoning By-law at the time of new development.
2. With the exception of a maximum 9 metre wide clearing for water access, the shoreline vegetation on the lake shall be retained to a minimum depth of 15 metres. All shoreline vegetation surrounding the watercourses shall be retained to a minimum depth of 15 metres.
3. Wetland shall remain undisturbed.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the watercourses, wetland, lake or onto adjacent properties.

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

In addition, any proposed works in or near the watercourses, wetland, or 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 for 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) –

Severed lands – the 1.4-hectare lot is primarily wooded. There is a dwelling with the well to the rear of the home and the septic appears to be in front of the house. There is a ravine on 3 sides of the home. There are areas of rock. There is over 0.3 m of sand in area of septic system. Recommendation – replacement would need to be in the same location due to clearance distance and topography of the property. The current septic system was installed in 2009 under permit 54688.

Retained lands – the property is 160 hectares. It is currently not developed. It is a wood lot. There are areas of rock. Recommendation – the property is large enough to accommodate a future septic system. Depending on the soil conditions, it may be necessary to install a raised leaching bed using imported sandy loam fill.

Ministry of Northern Development, Mines and Forestry – P Sangster, Residential Geologist.

I have completed a review of MNDM's Abandoned Mines Inventory, Assessment File Library and Mineral Deposit Inventory for the area of your proposed single residence building project.

I found no evidence of abandoned mine workings in proximity to your property. The single assessment file referred to limited sampling of a marble prospect completed in 1984. Likewise, the only mineral deposit inventory record referred to exploration completed in 1984.

Although the area may have some potential for the development of a marble resource, your sketch shows that your proposed residence is within a settled, "built-up" area.

You should be aware that although the mining rights for your property are reserved to the crown and available for staking, such residential areas are exempt from staking. The Ministry of Northern development and Mines has no concerns with your proposal.

If I can provide any additional information, please don't hesitate to contact me.

County of Lanark Public Works Department

Applicant has an approved existing entrance to the County Road. Permit No. 2181 Existing entrance, Permit #2181 will be reclassified to Common Residential upon completion of the severance.

Applicant will be required to provide a surveying identifying the new division of Parts 2 and 5 on RP27R-8890, at their expense.

The former County road specifically Parts 4, 7, 9, 10, 11, 12 and 13 and a Part of 2 and 5 on RP27R-8890 must be closed and conveyed to the applicant prior to deed endorsement.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.4-ha residential lot with an existing log cabin and retain a 160-ha vacant landholding.

The subject lands are located in an area characterized by limited residential development on large landholdings interspersed with smaller residential lots along Highway 511. The OMYA Mining Operation is location to the east of the lands.

Although the consent application indicates a frontage of 120 m, no portion of the lot fronts on an open and maintained municipal road. Through discussions with County Public Works, a lot configuration has been agreed upon, which would provide both the severed and retained lands with frontage on Highway 511. However this will require the closure and conveyance of old Highway 511 and the Road allowance between Concession 3 and 4 Darling. The new lot layout also provides for a 'shared or common entrance' to the lands. The Lanark Highlands Zoning By-law requires a minimum lot frontage, on a open and maintained municipal road to be 60m, therefore the applicant will be required to obtain through either a re-zoning or a minor variance a reduction in lot frontage from 60 m to 51 m as outlined on the sketch. (see attachment).

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 Statement discourages development occurring in known aggregate areas or adjacent areas where development and activities that would preclude or hinder the expansion or continued use of the aggregate extraction. The OMYA Aggregate Operation is located approximately 1.5 km south east of the lot to be severed, therefore special consideration is required in approving new development. A residential dwelling is already located on the severed lands, therefore no 'new' development is required as a result of the proposal. The application can meet the consistent with test of the Provincial Policy Statement.

In addition to being located adjacent of a known aggregate deposit and mineral extraction area the lands are designated in the Official Plan as being within a "Mineral Constraint Overlay" area. Accordingly, the applicant was required to consult with the Ministry of Northern Development, Mines and Forestry, to determine if the development proposal would encumber the calcium carbonate mining operation located on the east side of Highway 511. MMDM reviewed the application and advised that they have no concerns with your proposal.

Also, as the lands are within the constraint area, the lands were zoned with a 'holding' symbol in the original Township Zoning By-law. The intent of a holding symbol is to signify Council's approval in principle to future development of the land for the purposes indicated by the zone preceding the symbol. Removal of the holding symbol required an amendment to the Zoning By-law provided that there was no objection from MNM. The holding symbol was removed by-law No. 2009-958 – March 24th, 2009.

The Conservation Authority review noted several constraints to development on the 'retained' lands, however have no objection or development requirements for the severed parcel. Concerns and comments for the retained lands should be included as 'notes' only.

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

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

(d) PUBLIC INPUT

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 – January 24, 2011**

Brian Kerr, agent, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions. Mr. Kerr advised that he could adjust the lot frontage on Highway 511 to meet the minimum zoning requirements rather than proceeding through the re-zoning process.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
3. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
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. Satisfactory evidence shall be provided to the Township of Lanark Highlands confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
6. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for the Township of Lanark Highlands either by way of an amendment to the Zoning By-law or a minor variance alternatively that the frontage be increased to meet the minimum lot frontage on Highway 511.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.

8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
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 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.
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. The applicant shall provide a new survey / reference plan identifying the new division of Parts 2 on 5 on RP27R-8890 to reflect the Common Residential entrance at no cost to the County. The application shall provide the County of Lanark Public Works Department with a copy of the survey / reference plan.
13. The applicant shall in consultation with the County of Lanark Public Works Department take all necessary steps to "Stop-up, Close and Convey" the former County Road specifically Parts 4, 7, 9, 10, 11, 12 and 13 and a Part of 2 and 5 on Reference Plan 27R-8890. The applicant shall communicate directly with the Lanark County Public Works Department in regards to cost sharing as it relates to the road closing.
14. A letter shall be received from the County of Lanark Public Works Department, stating that condition #11 through #13 has been fulfilled to their satisfaction.
15. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Conservation Authority advises that any future development on the retained lands, are subject to the following development guidelines:*
 - *Future development, including a septic system shall be setback the greater of:*
 - *a minimum 30 metres from the seasonal high water mark of the watercourses and Stewarts Lake*
 - *a minimum 30 metres from the boundary of the unclassified wetland*
 - *beyond the waterbody setback specified in the Zoning By-law at the time of new development.*
 - *With the exception of a maximum 9 metre wide clearing for water access, the shoreline vegetation on the lake shall be retained to a minimum depth of 15 metres. All shoreline vegetation surrounding the watercourses shall be retained to a minimum depth of 15 metres.*
 - *Wetland shall remain undisturbed.*
 - *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the watercourses, wetland, lake or onto adjacent properties.*

2. *The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
3. *In addition, any proposed works in or near the watercourses, wetland, or 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.*
4. *The Lanark Leeds and Grenville District Health Unit advises the future replacement of the septic system would need to be in the same location due to clearance distance and topography of the property. The current septic system was installed in 2009 under permit 54688.*
5. *The County of Lanark Public Works Department advises that upon successful completion of the severance, the Public Works Department will reclassify the existing entrance Permit No. 2181 from "Single Residential" to "Common Residential".*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Adrian Schouten

Hearing Date: January 24, 2011

Agent: John Wanless

LDC File #: B10/139

Municipality: Township of Montague

Geographic Township: Montague

Lot: 10 **Concession:** A

Roll No. 0901 000 010 14801

Consent Type: New Lot

Purpose and Effect:

To sever a 1.43-ha residential building lot and retain a 1.43-ha residential building lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residence	Vacant Residence
Area Frontage Depth Road - Access to	1.43-ha 63.84 m 214.18 m County Road	1.43-ha 87.6 m 214.8 m County Road
Water Supply Sewage Disposal	Proposed Proposed	Proposed Proposed
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 46 m Yes	Rural 0.4-ha Yes 46 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

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

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

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

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

(b) AGENCY REVIEW

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

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

1. That 5% cash-in-lieu of parkland be paid to the Township of Montague for each new lot created.
2. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. That a copy of the reference plan to be provided to the Township of Montague.

Notes: Some of this property is located within an area adjacent to a wetland, and is regulated by the Rideau Valley Conservation Authority.

Conservation Authority – Rideau Valley Conservation Authority Nov 23, 2010

We note for the information of the applicant that the south half of both the severed and retained parcels are within the regulatory limits associated with the Provincially Significant wetland known as the Merrickville Marsh, Therefore, any construction or site alteration activity within the regulated area may require a permit under Ontario Regulation 174/06 “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” as administered by the Rideau Valley Conservation Authority. Please see attached map for delineation of the regulation boundary.

There are no natural hazard or natural heritage issues precluding the approval of this application. We wish to advise the committee that the Conservation Authority has no objection to this application, however they may wish to include the above information in the notes of the decision.

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

Severed Lands – parcel appears flat with a high water table. Front portion is a horse pasture and back portion is wooded. Recommendations – there is adequate space for a dwelling, well and raised septic system on parcel.

Retained lands – parcel appears flat with a high water table. Front portion is open and back portion is wooded. Recommendations – there is space for a dwelling, well and raised septic system on parcel.

County of Lanark Public Works Department -

1. Applicant has an approved entrance location to the County Road. Permit No. 2301
2. Access to lands to be severed and retained to be gained from Common Residential Entrance.

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.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 1.43-ha residential building lot and retain a 1.43-ha residential building lot.

The subject lands are located in an area characterized by Residential and located on the western boundary of the Village of Merrickville. The Rideau River and Canal are located within 30 m to the south and the lots are bounded by CPR to the north.

A note will be required on the Transfer / Deed Schedule (if approved) regarding the proximity of the CPR Rail Line.

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

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.

Soils Inventory – n/a

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – January 24, 2011**

Adrian Schouten, owner, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions. Mr. Schouten confirmed that the small portion of lands in the south east corner of the lot located in the Village of Merrickville is part of the retained lands.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing rail line, and that the occupants of the lot may be susceptible to noise, dust, vibration, odours and other nuisances associated with the rail operation and maintenance".
3. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
4. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.

7. The applicant shall obtain a Civic Address Number for the severed and retained lands from the Township of Montague. The applicant shall consult directly with the Township in this regard.
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 Township of Montague stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES:

1. *The Rideau Valley Conservation Authority advises that the lands are within the Merrickville Marsh, Any construction or site alteration activity within the regulated area may require a permit under Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" as administered by the Rideau Valley Conservation Authority.*
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 applicant or purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

4. *The Leeds Grenville and Lanark District Health Unit advises that a raised septic system will be required for the severed and retained lands.*

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

1.6 Infrastructure and Public Service Facilities

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section
The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan.

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

PURPOSE: To provide Council with information regarding a proposed severance fronting on a newly created road in the Township.

BACKGROUND: Roger Watson and Patricia Kleiber have made a severance application to create a 1.315 hectare residential building lot and retain a 2.5 ha residential building lot, located in Part of Lot 22 Concession 12 Drummond. The severed lot will front onto Dean Ridge Road, which was recently created as part of the Wilson Subdivision.

DISCUSSION: As the proposed severed lot will front on a newly created road which was paid for by the developer of the subdivision Council should consider the need for the severance applicants to contribute to the construction of the newly created road. The proposed lot will have approximately 60 metres of frontage Dean Ridge Road. Based on road construction costs submitted by Craig Wilson it is proposed that Roger Watson and Patricia Kleiber contribute \$7,924.00 to the construction of Dean Ridge Road. Staff would recommend that the Township collect this money and forward it to the Developer, as part of the severance conditions.

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

- The applicant shall submit \$7,924.00 to the Township of Drummond / North Elmsley as a contribution towards the recent construction of Dean Ridge Road. These funds shall be forwarded to the Developer of the adjacent subdivision.
- The balance of any outstanding taxes and fees shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.

- The applicant shall consult with the Township of Drummond / North Elmsley to confirm that a suitable entrance to the severed lot can be accommodated.

Conservation Authority – MVC Dev 8, 2010.

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

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

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

Severed Lands – 1.315 Ha portion is scrubland. Top foot of soil is sandy, overlying silty material. No drainage issues observed. Recommendation – severed portion could accommodate a home, raised septic system and well.

Retained lands – 2.5 Ha portion is rolling open field. Top foot of soil is sandy, overlying silty material. Satisfactory.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 1.315-ha residential building lot and retain a 2.5-ha residential building lot. Two previous severances were taken from the original landholding, applications B10/022 and B10/023.

The subject lands are located in an area characterized by Residential along Highway 7, Dean Ridge Road and Drummond Con 12C. The Wilson Subdivision is located north of the proposed lot.

The lands are accessed via Dean Ridge Road, a newly constructed municipally maintained road.

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.

Soils Inventory – n/a

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – January 24, 2011**

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

The chair reviewed the staff report and draft conditions. Mr. Watson questioned the requirement for payment of monies to the Township, when he had previously discussed this with Mr. Wilson who constructed Dean Ridge Road. Mr. Watson also confirmed that the road frontage to the retained lot was 45 m, the minimum requirement.

(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 with a digital copy of the registered reference plan.
3. The applicant shall consult with the Township of Drummond / North Elmsley to satisfy their request to contribute monies towards the recent construction of Dean Ridge Road.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.

5. The applicant shall provide the Township with a copy of all reference plans associated with this application.
6. The applicant shall obtain an entrance location permit for the severed and retained lands from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain a Civic Address Number for the severed and retained lands from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES:

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that the septic system may be required to be raised.*
3. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Morley & Bonnie Fraser **Hearing Date:** January 24, 2011
Agent: Valley Homes Realty (Brian Rintoul)
LDC File #: B10/152
Municipality: Township of Drummond / North Elmsley
Geographic Township: Drummond **Lot:** 25 **Concession:** 11
Roll No. 0919 919 025 61201 **Consent Type:** New Lot

Purpose and Effect:

To sever a 0.401-ha residential building lot and retain a 16.88-ha landholding with an existing dwelling and outbuildings.

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	0.401-ha 51.816 m 79.248 m Municipal Road	16.88-ha 98.74 m irregular Municipal Road
Water Supply Sewage Disposal	Proposed Proposed	Private Well Septic System
Official Plan Designation -Conformity?	Rural, Wetland, Wetland Influence Area & Waste Disposal Site Influence Area - Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes	Rural and PSW 0.4-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 3.18 Influence Areas, Section 4.3 Rural Policies, Section 4.6 Wetland Policies, Section 4.9 Waste Disposal Site Policies, Section 5.3 Local Roads.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

PURPOSE: The purpose of the application is to sever a 0.401 hectare residential building lot and to retain a 16.88 ha residential landholding with an existing dwelling and outbuildings. The lands are all accessed by Drummond Concession 11.

COMMENTS: The subject property is designated Rural under the Official Plan of the Township of Drummond / North Elmsley, and is zoned Rural (RU) under Zoning By-law 2003-34. Both the severed and retained parcels comply with the provisions of the Township's Official Plan and Zoning By-law.

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

- The balance of any outstanding taxes and fees shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office.
- The application shall consult with the Township of Drummond / North Elmsley to confirm that a suitable entrance to the severed lot can be accommodated.
- Sufficient land from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

Conservation Authority – Dec, 8, 2010

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

According to the information provided, the purpose of the subject application is to sever a vacant 0.40-ha parcel of land and retain 16.88 ha with an existing dwelling and outbuildings.

A review of available GIS mapping revealed that a portion of the proposed retained lands are comprised of a Provincially Significant Wetland (PSW) referred to as the Scotch Corners Wetland Complex. In addition, a tributary of Cranberry Creek appears to travel through this wetland. The proposed severed lands are located just beyond the 120 metres adjacent lands to this feature. No other natural heritage features or natural hazards were identified.

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of a PSW 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. This would typically be examined through the preparation of an Environmental Impact Statement (EIS). However, as estimated on GIS, the proposed severed lands are located beyond the 120 metre adjacent lands, and the retained lands are already developed with no new development currently proposed. On this basis, MVC is of the opinion that there would be limited value in conducting an ELIS at this time. However, in the event that future development is proposed within 120 metres of the PSW, an EIS may be required to evaluate such development.

Based on the above, we do not have any objection to the subject application. We assume that any potential future development will comply with the zoning provisions, particularly with respect to the minimum setback from a watercourse and the retention of shoreline vegetated buffers.

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

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 and Lanark District Health Unit
Severed lands – severed portion has been cleared and approximately 3 ft of gravel-sand has been placed on the lot. Recommendation – there is adequate space on parcel to accommodate a home, well and septic system.

Retained lands – lot contains an existing bungalow, well and septic system. Severance will not negatively impact existing septic system. There is room for future septic system replacement.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever a 0.4-ha residential building lot and retain a 16.88-ha landholding with an existing dwelling and outbuildings. The original parcel of land was created in 1978 prior to the 'horizon' date for the D/NE Official Plan (Jan. 1979)

The subject lands are located in an area characterized by Residential on large landholding, interspersed with smaller type residential lots along Drummond Conc. 11.

The influence area from the Waste Site is that area as shown on the Official Plan Sketch and does not affect the proposed severed lands, however, it should be noted in the transfer / deed that the lands may be subject to noise, odours etc.

The influence area from the Provincially Significant Wetland (Scotch Corners Wetland Complex) is 120 m from the wetland boundary. The influence area and wetland do not affect the severed lands.

The lands are accessed via Drummond Con 11, a municipally maintained road.

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.

Soils Inventory – Name: North Gower
- Stoniness: not rated
- CLI: 2 - moderate limitations
- Drainage: poor
- Hydrogeology: high run-off

The lands are within 200 m of a Primary Water Source (Scotch Corners Wetland Complex) therefore are subject to possible "Archaeological Potential".

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – January 24, 2011**

Brian Rintoul, agent, attended the hearing and gave evidence under oath.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to a Municipal Waste Disposal Site and may therefore be subject to noise, dust, odours and other nuisances associated with the waste disposal site activities".
3. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application
6. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
7. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.

8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. A letter shall be received from the Township of Drummond stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVC prior to any alteration to the watercourse or for any interference within 120 metres of the PSW (Scotch Corners Wetland Complex).*
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 applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: James & Carol Noy **Hearing Date:** January 24, 2011
Applicant: Michael Stark & Anik Levesque
LDC File #: B10/155
Municipality: Township of Drummond / North Elmsley
Geographic Township: North Elmsley **Lot:** 16 **Concession:** 6
Roll No. 0919 908 015 14001 **Consent Type:** Lot Addition

Purpose and Effect:

To sever a 0.21-ha parcel of land as a lot addition to lands owned by Michael P Stark and Anik Marie-France Levesque at Pt Lot 16 Conc. 6 North Elmsley and retain a 1.2-ha residential lot with an existing dwelling and outbuilding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Parking & Garage	Residential
Area	0.21-ha	1.2-ha
Frontage	29.5 m	87.8 m (water 33.53 m)
Depth	71 m	140.5 m
Road - Access to	Private Road	Private Road
Water Supply	None	Private Well
Sewage Disposal	None	Septic System
Official Plan Designation -Conformity?	Rural & Adjacent to Wetlands Yes	
Zoning Category	Limited Service Rural & Wetland	Limited Service Rural & Wetland
-Area Required (min.)	n/a	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		50 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.

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

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

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

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

3.1 Natural Hazards

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

Official Plan – Section 3 General Provisions, Section 3.7 Division of Land, Section 4.3 Rural Policies, Section 4.6 Wetland Policy, Section 5.5 Private Roads.
The Township of Drummond / North Elmsley advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4 General Provisions, section 10 Limited Services Residential.
The Township of Drummond / North Elmsley advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report

The subject property is designated Rural and Wetland Influence Area, under the Official Plan of the Township of Drummond / North Elmsley, and is zoned Limited Services Residential (LSR) and Wetland Influence Area under Zoning By-law 2003-34. The severed parcels comply with the provisions of the Township's Official Plan and Zoning By-law.

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

- The balance of any outstanding taxes and fees shall be paid to the Township.
- The applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The severance is for the purposes of a lot addition only, to adjacent land located at 127 Rideau Street. A clause shall be registered on title for the new lot recognizing that both lots will be treated as one for zoning purposes.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Land – for lot addition, vacant, cleared and flat. Recommendation – viewed as lot addition only.

Retained lands – waterfront portion contains an existing home, well, raised septic system and garage. Recommendations – existing septic system does not appear to be malfunctioning from the surface of the ground. There is adequate space for its replacement.

Conservation Authority – November 29, 2010.

The subject application has been reviewed by the Rideau Waterfront Development Review Team on behalf of Parks Canada-Rideau Canal Office and the Rideau Valley Conservation Authority.

This application seeks a lot addition to accommodate parking and garage for the developed lot to which this parcel is to be added. A portion of the north east area proposed as the lot addition is situated within the 120 metre adjacent lands associated with the Provincially Significant Wetland identified as the Port Elmsley Wetland.

We have visited the site and have the following comments for the Committee's assistance, provided the landowner does not propose development within the wetland "adjacent lands" as shown on our regulatory mapping we do not object to this lot addition (development within the "adjacent lands" may require an Environmental Impact Statement and permission from the RVCA prior to work initiation). The stated purpose - of the lot addition (garage and parking) would not appear to have any effect on the hydrologic function of the wetland it is situated on the south portion of the lot addition area.

Please note that a permit is required for shoreline work. This includes but is not limited to docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices. Any alteration of the shoreline above/upland of the normal high water mark is also subject to approval by the Rideau Valley Conservation Authority as per Ontario Regulation 174-06.

Please advise us on the committee's decision on the application or any changes in the status of the application.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.21-ha parcel of land as a lot addition to lands owned by Michael P Stark and Anik Marie-France Levesque at Pt Lot 16 Conc. 6 North Elmsley (127 Rideau Street) and retain a 1.2-ha residential lot with an existing dwelling and outbuildings.

The subject lands are located in an area characterized by Residential and Seasonal Residential on typical waterfront lots. The purpose of the lot addition is to provide additional lands for parking and to construct a garage. Beverage Locks are located to the west and the Port Elmsley Wetland is located to the east. The application has been reviewed by the Rideau Waterway Development Team due to proposal's proximity to the Rideau Canal World Heritage Site.

The lands are accessed via Rideau Street, a municipally owned street that is privately maintained. Rideau Street adjoins Beverage Locks Road, ~~a municipally maintained road,~~ owned and maintained by Parks Canada.

The lands area intended to be severed as a lot addition, however as they cannot directly adjoin to the Stark property, due to the road being owned by the Township, a condition will be required to re-zone the lands to restrict development to non-residential. A condition should also be placed on the "In Preparation Deed", that the lands are intended as a lot addition and are to be conveyed with PIN 05231-0194(LT).

Soils Inventory – n/a

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – January 24, 2011**

James Noy, owner, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions. The committee expressed concern that the lot may not be allowed to be considered a lot addition as the lands do not directly abut the Stark/Lesvesque property.

Mr. Noy confirmed that Beverage Lack Road is owned and maintained by Parks Canada. Mr. Noy also advised that there are other lots along Rideau Street that have additional lands on the opposite side of Rideau Street.

(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 with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. The applicant shall re-zone the lands to prohibit any residential development. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.

6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #5 has been fulfilled to their satisfaction.
7. If the lot is permitted to be considered a "Lot Addition" by the Land Titles Office, 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 Michael P Stark and Anik Marie-France Levesque at Pt Lot 16 Conc. 6 North Elmsley described at Plan 4205 Lot 31, Plan 27R-2282 Parts 2 and 3, Township of Drummond / North Elmsley, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".

NOTES

1. *The Rideau Waterfront Development Review Team advise that a permit is required for shoreline work. This includes but is not limited to docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices the Rideau Canal Office in Smiths Falls at 613-283-5170. Any alteration of the shoreline above/upland of the normal high water mark is also subject to approval by the Rideau Valley Conservation Authority as per Ontario Regulation 174-06. Also, any development within the "adjacent lands" may require an Environmental Impact Statement and permission from the RVCA prior to work initiation.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Peter & Cheryl Dermann **Hearing Date:** January 24, 2011
Agent: n/a
LDC File #: B10/157 Amended per Land Division Committee Hearing
Municipality: Tay Valley Township
Geographic Township: North Burgess **Lot:** 16 **Concession:** 6
Roll No. 0911 911 015 56200 **Consent Type:** ~~Lot addition~~ New Lot

Purpose and Effect:

To sever a 4.45-ha parcel of land as a lot addition to lands created by Consent Application B10/031 and to retain a 20.0-ha landholding. 5.65-ha residential lot with an existing dwelling and outbuildings and retain a 20.0-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Vacant Residential
Area Frontage Depth Road - Access to	4.45-ha-5.65-ha 20 m 114 m 423 m County Road	20.0-ha 240 m 423 m County Road
Water Supply Sewage Disposal	None Private Well None Septic System	Proposed Proposed
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural n/a-1.0-ha Yes 60 m Yes	Rural 2.0-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.

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

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal is to sever a 4.45 ha parcel of land as a lot addition to lands created by consent application B 10/031 for the creation of a rural residential lot and to retain a 20 ha vacant rural lot.

Official Plan - applicable Sections: 3.6.2 Rural designation - permits residential use.

5.2.3.4 Consent - requires lots to have frontage on a public road. The proposed severed lot and the proposed retained lot will have frontage on Scotch Line Road. 2.23 Water Quality and Quantity - requires a minimum setback of 30 m from water. There is a stream miming through the proposed lot and the retained parcel but there is a sufficient building envelope on both proposed and retained lots away from the stream and the existing house on the proposed lot is more than 100 m from the stream.

Zoning By-law - Applicable Sections: 10.1.1 - Residential use is appropriate. 10.1.2 - Lot area of 1 ha is met for both the proposed severed and retained lots (4.45 ha and 20 ha respectively). Frontage on a public road of 60 m is met for both the proposed severed and retained lots (approximately 114 in and 363 m respectively).

Rideau Valley Conservation Authority has no objection to the severance.

Mississippi Rideau Septic System Office has no objections to the severance.

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

- 1/ Payment of all taxes owing and all costs incurred by the Township for the review process.
- 2/ Copy of deed / transfer and two copies of the reference plan.

(c) **PLANNING REVIEW**

The applicant proposes to sever a 4.45-ha parcel of land as a lot addition to lands being created by B10/031 and retain a 20.0-ha landholding

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

The lands are accessed via Scotch Line Road, a county maintained road. The lands to be enlarged have an approved entrance permit #1242 and an entrance application to the retained lands No. 2273.

The PPS encourages lot enlargements.

Soils Inventory – Name: Monteagle

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – January 24, 2011**

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

The chair reviewed the staff report and draft conditions.

Mr. Dermann advised that Severance B10/031 had not been surveyed yet. In view of this the Committee agreed that B10/031 should be allowed to lapse and that B10/157 be amended to incorporate those lands previously described in B10/031, this would avoid the survey for the original 3 acres and deed consolidation.

Any conditions that were contained in the Provisional Consent for B10/031 are be included in B10/157.

(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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "amended" application, revised by the Land Division Committee at the Hearing dated January 24, 2011.
3. The applicant shall provide the Secretary-Treasurer with a digital copy of the registered reference plan.
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 applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
6. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application.
8. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
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. (Permit No. 1242 and 2273).
10. The applicant shall remove the east ½ of the existing circular driveway at PIN 4232 Scotch line Road.
11. A letter shall be received from Tay Valley Township stating that condition #4 to #8 has been fulfilled to their satisfaction.

12. A letter shall be received from County of Lanark Public Works Department stating that condition #9 and #10 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that any future development on the retained lands be located a minimum of 30 metres from the watercourse.*
2. *The Rideau Valley Conservation Authority advises that written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of the watercourse; Fisheries Act conformity would be addressed simultaneously.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling on the retained lands.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Allan Imeson **Hearing Date:** January 24, 2011
Agent: N/A
LDC File #: B10/160, B10/161 and B10/162
Municipality: Township of Drummond / North Elmsley
Geographic Township: Drummond **Lot:** 8 **Concession:** 1
Roll No. 0919 919 010 03400 **Consent Type:** 3 new lots

Purpose and Effect:

To sever three (3) residential building lots (0.8-ha each), and retain a 38.0-ha landholding with an existing dwelling and outbuildings.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Residential Residential
Area	0.8-ha	0.8-ha	0.8-ha	38.0-ha
Frontage	60 m	60 m	60 m	223 m
Depth	130 m	130 m	130 m	1330 m
Road - Access to	Municipal	Municipal	Municipal	Municipal
Water Supply	Proposed			Private well
Sewage Disposal	Proposed			Septic System
Official Plan Designation -Conformity?	Rural Yes			
Zoning Category	Rural		Rural	
-Area Required (min.)	0.4-ha		0.4-ha	
-Compliance?	Yes		Yes	
-Frontage Required (min.)	45 m		45 m	
-Compliance?	Yes		Yes	

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

(b) AGENCY REVIEW

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

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

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

Conservation Authority –

Thank you forwarding the additional site sketch for our consideration. The subject applications have been reviewed by the Rideau Valley Conservation Authority. We have visited the site and have the following comments for the Committee's assistance. The applications seek to create three new 2 acre lots from the 94 acre retained agricultural parcel.

We note that a branch of the Drummond North Elmsley municipal drain crosses the Township road just southeast of the proposed lot created by B10/160. In addition, there is a small, unnamed watercourse traversing the north portion of the retained lands.

Regarding the lot to be created by B10/160, the RVCA recommends 30 metre development setback from all watercourses to mitigate the effects of flooding, erosion, pollution and to maintain the conservation of land. Although the lot does not appear to intersect with this watercourse, we note that any development and disturbance should have regard for a minimum 30 metre setback from the drain. It appears that there is ample area available on the lot to address this recommendation.

This consideration should also be applied to the retained parcel in relation to the creek which traverses the north portion of the retained lands.

Ontario Regulation 174/06, "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", requires written approval from the Rideau Valley Conservation Authority to any alter, straighten, change, divert or interfere with the watercourse. The creek on the retained lands is subject to this regulation. Should there be any works affecting the watercourse, a permit would be required from the RVCA.

In summary, we have no objection to the applications, provided;

- 1) A 30 metre setback from the watercourses is maintained for all disturbance and development (relating specifically to proposed lot B10/160 and the retained parcel) and respecting Township requirements of the Official Plan and Zoning By-law.
- 2) The regulator consideration regarding alterations to waterways as noted above are addressed.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit Severed Lands flat lot, cleared field. Poor drainage. 1 metre of clay. Recommendation. – The soil conditions are not suitable for in-ground sewage disposal systems. Imported leaching bed fill will be required to construct an on-site sewage disposal system. Retain lands – large property, clay soils, varying slope. Farm with open fields and some bush. The retained property is quite large. There is ample room to site a replacement system on retained lands if required.

2) The regulatory considerations regarding alterations to waterways as noted, above are addressed.

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

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever three (3) residential building lots (0.8-ha each) and retain a 38.0-ha landholding with an existing dwelling and outbuildings.

The subject lands are located in an area characterized by Residential on large landholdings, interspersed with smaller residential lots. A number of municipal drains are located adjacent to and over the lands.

The lands to be severed are accessed via Drummond Con. 1, a municipally maintained road. And the retained lands are accessed via Drummond Con. 2. A county maintained road.

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.

Soils Inventory – Name: Tennyson (Shallow phase)

- Stoniness: slightly stony
- CLI: 4 severe limitations
- Drainage: well drained
- Hydrogeology: moderate runoff

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

(d) PUBLIC INPUT

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

(e) MINUTES – January 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:

B10/160

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 with a digital copy of the registered reference plan.
3. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of December 16, 2010, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
6. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontage of the lot to be severed and retained (along Drummond Con. 1) to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
7. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. A letter shall be received from Rideau Valley Conservation Authority stating that condition #3 has been fulfilled to their satisfaction.
10. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that soil conditions are not suitable for in-ground sewage disposal system. Imported leaching bed fill will be required to construct an on-site sewage disposal system.*
2. *Ontario Regulation 174/06, "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", requires written approval from the Rideau Valley Conservation Authority to any alter, straighten, change, divert or*

interfere with the watercourse. The creek on the retained lands is subject to this regulation. Should there be any works affecting the watercourse, a permit would be required from the RVCA.

3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

B10/161

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 with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontage of the lot to be severed and retained (along Drummond Con. 1) to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
6. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that soil conditions are not suitable for in-ground sewage disposal system. Imported leaching bed fill will be required to construct an on-site sewage disposal system.*

2. *Ontario Regulation 174/06, "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", requires written approval from the Rideau Valley Conservation Authority to any alter, straighten, change, divert or interfere with the watercourse. The creek on the retained lands is subject to this regulation. Should there be any works affecting the watercourse, a permit would be required from the RVCA.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

B10/162

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 with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application.
5. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontage of the lot to be severed and retained (along Drummond Con. 1) to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
6. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that soil conditions are not suitable for in-ground sewage disposal system. Imported leaching bed fill will be required to construct an on-site sewage disposal system.*
2. *Ontario Regulation 174/06, "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", requires written approval from the Rideau Valley Conservation Authority to any alter, straighten, change, divert or interfere with the watercourse. The creek on the retained lands is subject to this regulation. Should there be any works affecting the watercourse, a permit would be required from the RVCA.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *The current Official Plan provides that up to three consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Anthony Brownrigg & Tammy Cameron

Hearing Date: January 24, 2011

Agent: n/a

LDC File #: B10/165 and B10/166

Municipality: Township of Montague

Geographic Township: Montague

Lot: 9 **Concession:** 1

Roll No. 0901 000 01023600

Consent Type: 2 new lots

Purpose and Effect:

To sever two (2) residential building lots (2.43-ha each) and retain a 15.0-ha residential lot with an existing dwelling and outbuildings.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	Existing Use	Proposed Use	Existing Use
Existing Use	Vacant Residential	Vacant Residential	Residential
Proposed Use	Vacant Residential	Vacant Residential	Residential
Area	2.43-ha	2.43-ha	15.0-ha
Frontage	50.3 m	96 m	603.5 m
Depth	256.0 m	256 m	256 m
Road - Access to	Municipal Road	Municipal Road	Municipal Road
Water Supply	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	Septic System
Official Plan Designation -Conformity?	Rural Yes		
Zoning Category	Rural		Rural
-Area Required (min.)	0.4-ha		2.0-ha
-Compliance?	Yes		Yes
-Frontage Required (min.)	46 m		46 m
-Compliance?	Yes		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

(b) AGENCY REVIEW

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

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

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

Notes: The proposed lots are adjacent at the rear to lands designated mineral aggregate. Land Division Committee should have regard to Official Plan Section 4.5.10 and 4.9.

Conservation Authority – Rideau Valley Conservation Authority Nov. 23, 2010

We note for the information of the applicant that the retained parcel is traversed by Rideau Creek which is surrounded by a linear unevaluated wetland. Rideau Creek is subject to Ontario Regulation 174/06 “Development, Interference with Wetlands and Alterations to Shoreline and Watercourses” as administered by the Rideau Valley Conservation Authority. Any work affecting the creek bed or its banks requires a permit from the R.VCA prior to undertaking any works.

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

We wish to advise the committee that the Conservation Authority has no objection to this application, 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 B10/165 – Parcel is covered with mixed bush. No drainage issues were observed. There is at least 1 foot of sandy soil at ground surface. Recommendation – Parcel can accommodate a home, well and septic system. Depending on its location, leaching bed may need to be raised.

B10/166 - Parcel is covered with mixed bush. No drainage issues were observed. There is at least 1 foot of sandy soil at ground surface. Recommendation – Parcel can accommodate a home, well and septic system. Depending on its location, leaching bed may need to be raised.

Retained Lands – parcel contains a farmhouse, barns, open fields, bush and a stream. Satisfactory.

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) 2.43-ha residential building lots and retain a 15.0-ha landholding with an existing dwelling, barns and outbuildings.

The subject lands are located in an area characterized by Residential and farm residential on large type landholdings. An inactive pit is located to the north west along Richardson Road.

The lands to be severed are accessed via Burchill Road, a municipally maintained road.

As noted by the Township Section 4.5.10 of the Official Plan advises that consent should not be located on/or in close proximity to potential aggregate and mineral aggregate lands.

The Montague Official Plan does not have a set distance 'influence area' adjacent to designated aggregate areas. The given standard is 120m; therefore any new development on the lots should be located on the front section of the lot. Given that the depth of the lots is 256 m sufficient building envelope is available. However, a caution should be placed on the transfer/deed noting the adjacent aggregate area.

Also as noted by the Township of Montague the OP Section 4.9 requires buffering between two conflicting uses. A buffer may be open space, where distance is relied upon to produce the desired results, or it may be a berm, wall, fence, planting strip or lands use difference from the two conflicting ones. In this case. As noted above the building envelope should be located in front section of the lot to be severed and that the existing tree cover not be removed, thereby providing a natural buffer as required by the Official Plan. This should be included through a "Development Agreement" with the Township.

No MDS was undertaken as the barns located to the north of the proposed lots are approx. 350 m from the proposed lot line of B10/166. The applicant has advised that the buildings are only used for storage not for housing livestock.

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.

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – January 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:

B10/165

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 with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
4. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague, the wording of which shall include that no residential development shall be permitted within 120 m of the designated Aggregate Area on the West Portion of Lot 9 Conc. 1 Montague and that the existing tree cover be maintained within this area to act as a 'natural buffer' from the aggregate operation.
5. The applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
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 Montague.
9. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
10. Sufficient lands shall be deeded to the Township of Montague along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.
11. A letter shall be received from the Township of Montague stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that depending on the location of a septic system, that the leaching bed may need to be raised.*
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 County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

B10/166

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 with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
4. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague, the wording of which shall include that no residential development shall be permitted within 120 m of the designated Aggregate Area on the West Portion of Lot 9 Conc. 1 Montague and that the existing tree cover be maintained within this area to act as a 'natural buffer' from the aggregate operation.
5. The applicant shall obtain an entrance location permit from the Township of Montague. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
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 Montague.
9. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
10. Sufficient lands shall be deeded to the Township of Montague along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

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

NOTES:

1. *The Leeds Grenville and Lanark District Health Unit advises that depending on the location of a septic system, that the leaching bed may need to be raised.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The lands to be severed may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
4. *The Township of Montague will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Joyce Gardiner

Hearing Date: January 24, 2011

Agent: Allan Gardiner

LDC File #: B10/169

Municipality: Township of Drummond / North Elmsley

Geographic Township: Drummond

Lot: 17 **Concession:** 8

Roll No. 0919 919 025 10000

Consent Type: New Lot

Purpose and Effect:

To sever a 0.4-ha residential building lot and retain a 25.0-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Vacant
Area Frontage Depth Road - Access to	0.4097-ha 64 m 64 m Municipal	25.0-ha 138 m (on Gardiner Side Rd) 786 m Municipal
Water Supply Sewage Disposal	Proposed Proposed	None None
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes	Rural 0.4-ha Yes 45 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

3.1 Natural Hazards

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

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

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

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

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

(b) AGENCY REVIEW

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

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

1. The balance of any outstanding taxes and fees shall be paid to the Township.
2. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Registry Office.
3. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontages of the lot to be severed and retained to meet the municipality's road widening requirements. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.

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

4. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.

Conservation Authority – December 22, 2010

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

It is our understanding that the purpose of the subject application is to sever a vacant 1.0-ac building lot and to retain a vacant 61-ac landholding.

As revealed by a review of available GIS mapping, an unclassified wetland is located on a significant portion of the proposed retained lands. In addition, tributaries of McIntyre Creek travel through this wetland. No natural hazard or natural heritage features were identified on the proposed severed lands.

The resulting lands meet with the current minimum area requirements stipulated in the Township of Drummond/North Elmsley's Zoning By-law. And, sufficient area appears to exist on the proposed severed and retained lands to accommodate future development in compliance with the zoning by-law. With all of this in consideration, MVC has no objection to the subject application. However, we recommend the following conditions for any future development on the proposed retained lands:

1. No buildings or structures, including septic systems, shall occur within the greater of
 - 30 metres from the tributaries and the unclassified wetland or
 - the waterbody setback specified in the Zoning By-law at the time of new development, from the tributaries and the unclassified wetland.
2. The wetland shall remain undisturbed,
3. With the exception of a maximum 9 metre wide clearing for water access, the vegetation along the shoreline shall be maintained to a minimum depth of 15 metres.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributaries, wetland, or onto adjacent properties.

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

In addition, any proposed works in or near the tributaries and 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 and Lanark District Health Unit
Severed Lands – relatively flat field. Good drainage. 0.75-1.0 metre of clay loam soil.
Cleared lot sloping gently toward the road. Recommendation – some imported leaching bed fill may be required to construct an on-site sewage disposal system.

Retained lands – large property with good drainage. Similar soil conditions to the severed lands. Severance will not affect the capacity for siting a replacement system on adjacent lots.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 0.4-ha residential building lot and retain a 25 ha vacant landholding.

Two previous severances were created from the original landholding, however were created prior to the 'Horizon' date (1973 and 1985) of the Official Plan.

The subject lands are located in an area characterized by Residential on typical smaller type lots along Gardiner Side Road together with large vacant landholdings. Highway No. 7 is located to the east.

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

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.

Soils Inventory – Name: Tennyson
- Stoniness: slightly stony
- CLI: 2 - moderate limitations
- Drainage: well drained
- Hydrogeology: moderate

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – January 24, 2011**

Allan Gardiner, agent, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions. Mr. Gardiner questioned the requirement for road widening and was advised to discuss this matter directly with the Public Works Superintendent.

(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 with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
4. Sufficient lands shall be deeded to the Township of Drummond / North Elmsley along the frontage of the lot to be severed and retained (along Gardiner Side Road) to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

5. The applicant shall obtain an entrance location permit from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
7. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that some imported leaching bed fill may be required to construct an on-site sewage disposal system.*
2. *The Mississippi Valley Conservation advises that any future development on the proposed retained lands should have regard for the following development constraints :*
 - a). *No buildings or structures, including septic systems, shall occur within the greater of:*
 - *30 metres from the tributaries and the unclassified wetland or*
 - *the waterbody setback specified in the Zoning By-law at the time of new development, from the tributaries and the unclassified wetland.*
 - b). *The wetland shall remain undisturbed,*
 - c). *With the exception of a maximum 9 metre wide clearing for water access, the vegetation along the shoreline shall be maintained to a minimum depth of 15 metres.*
 - d). *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the tributaries, wetland, or onto adjacent properties.*
3. *The MVC also advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06-“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.*
4. *In addition, any proposed works in or near the tributaries and wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *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.*