



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, February 27, 2012 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

Members Present: R. Strachan and D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer

Regrets: W. Guthrie

**LAND DIVISION COMMITTEE**

**Chair:** R. Strachan

**1. CALL TO ORDER**

A quorum was present.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None.

**3. APPROVAL OF MINUTES**

**MOTION #LD-2012-005**

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

**“THAT,** the minutes of the Land Division Committee meeting held on January 23, 2012 be approved as circulated.”

**ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2012-006**

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

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

**ADOPTED**

## 5. DELEGATIONS & PRESENTATIONS

None.

## 6. COMMUNICATIONS

None

## 7. REPORTS

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

**7.1.1 B11/132 to B11/136 – Robert & Ziba Miller – Cluster Lot Development**  
Pt Lot 27 Conc. 12, geographic Township of Ramsay, now in the Town of Mississippi Mills. (Panmure Road)

**7.1.2 B11/141 – Alma McCall Estate – new lot**  
Pt Lot 15 Conc. 11, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Waba Road)

**7.1.3 B11/162 and B11/163 – Robert and Diane McKirdy – two new lots**  
Pt Lot 20 Conc. 9, geographic Township of Lanark, now in the Township of Lanark Highlands. (Galbraith Road)

**7.1.4 B11/164, B11/165 and B11/166 – 1259541 Ontario Inc. – three new lots**  
Pt Lot 24 Conc. 5, geographic Township of Ramsay, now in the Town of Mississippi Mills. (Bellamy Mills Road & Ramsay Con 5B)

**7.1.5 B11/167 – Jerry Ross Thompson – new lot**  
Pt Lot 11 Conc. 1, geographic Township of South Sherbrooke, now in Tay Valley Township. (Althorpe Road)

**7.1.6 B11/168 – Mary Anne Somerton & Kathleen Paul – lot addition**  
Pt Lot 7 Conc. 3, geographic Township of Lanark, now in the Township of Lanark Highlands. (Neilson Lane)

**7.1.7 B11/171B – Ross & Barbara Olmstead – new lot**  
Pt Lot 18 Conc. 10, Township of Beckwith. (St Fiellan's Road)

**7.1.8 B11/175 – William Neilson – lot addition**  
Pt Lot 1 Conc. 2 Plan 320, Village of Lanark, now in the Township of Lanark Highlands. (Caldwell Street)

**7.1.9 B11/181, B11/182 & B11/183 – Norval Wilson – three lot additions**  
Pt Lot 18 Conc. 2, geographic Township of Lanark, now in the Township of Lanark Highlands. (Highway 511)

**7.1.10 B11/125 and B11/126 – Michel Carriere – two new lots**  
Pt Lot 11 Conc. 4, geographic Township of Ramsay, now in the Town of Mississippi Mills. (Old Perth Road)

**7.1.11 B11/143 and B11/144 – James and Debra Caldwell – two new lots**  
Pt Lot 3 Conc. 3 Park Lot 10 Plan 320, Village of Lanark, now the Township of Lanark Highlands. (Heron Drive)

**7.1.12 B11/148 and B11/149 – Leonard & Irene Murphy – two new lots**  
Pt Lot 1 Conc. 8, geographic Township of Darling, now in the Township of Lanark Highlands. (Tatlock Road & 9<sup>th</sup> Con Darling)

**7.1.13 B11/160 – Joseph and Sherry Burke – new lot**  
Pt Lo 15 Conc. 10, geographic Township of North Burgess, now in Tay Valley Township. (Upper Scotch Line)

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

**None**

**8. CONFIDENTIAL REPORTS**

None

**9. NEW/OTHER BUSINESS**

None

**10. PUBLIC HEARING:**

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

**10.1 PROVISIONAL CONSENT GRANTED**

**10.1.1 B11/132 to B11/136 – Robert & Ziba Miller – Cluster Lot Development**

**10.1.2 B11/141 – Alma McCall Estate – new lot**

**10.1.3 B11/162 and B11/163 – Robert and Diane McKirdy – two new lots**

**10.1.4 B11/164, B11/165 and B11/166 – 1259541 Ontario Inc. – three new lots**

**10.1.5 B11/167 – Jerry Ross Thompson – new lot**

**10.1.6 B11/168 – Mary Anne Somerton & Kathleen Paul – lot addition**

**10.1.7 B11/171B – Ross & Barbara Olmstead – new lot**

**10.1.8 B11/175 – William Neilson – lot addition**

**10.1.9 B11/181, B11/182 & B11/183 – Norval Wilson – three lot additions**

The Public Hearings recessed for lunch at 12:05 p.m.

The Public Hearings reconvened at 1:30 p.m. for the purpose of conducting the public hearings in the County Council Chambers.

**10.1.10 B11/143 and B11/144 – James and Debra Caldwell – two new lots**

**10.1.11 B11/148 and B11/149 – Leonard & Irene Murphy – two new lots**

**10.1.12 B11/160 – Joseph and Sherry Burke – new lot**

**10.2 PROVISIONAL CONSENT REFUSED / DENIED**

**10.2.1 B11/125 and B11/126 – Michel Carriere – two new lots**

**11. UPCOMING MEETINGS**

Monday, April 2, 2012,  
Monday, April 30, 2012,  
Monday, May 28, 2012, and  
Monday, June 25, 2012

**12. ADJOURNMENT – 3:15 p.m.**



Mary Kirkham,  
Secretary-Treasurer

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Robert Miller & Ziba Nouraeiyan

**Hearing Date:** Feb. 27, 2012

**Agent:** Jp2g Consultants (Kevin Mooder)

**LDC File #:** B11/132, B11/133, B11/134, B11/135 and B11/136

**Municipality:** Town of Mississippi Mills

**Geographic Township:** Ramsay

**Lot: 27      Concession: 12**

**Roll No.** 0931 929 025 39500

**Consent Type:** 4 new lots + Road

**Purpose and Effect:**

The purpose and effect of the application is to sever four (4) residential building lots ranging from 1.7-ha to 1.9-ha in size and to sever a 15m wide private road which is to be held in title by the owners of the lots to be severed as a “common elements condominium” This proposal has been submitted as a “Cluster Lot Development” under the Town of Mississippi Mills Community Official Plan.

DETAILS OF PROPOSAL	Lands to be Severed				Retained Lands
	<u>B11/133</u>	<u>B11/134</u>	<u>B11/135</u>	<u>B11/136</u>	
<b>Existing Use</b>	Vacant	Vacant	Vacant	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential	Residential	Residential	Vacant
<b>Area</b>	1.73-ha	1.94-ha	1.83-ha	1.86-ha	52-ha
<b>Frontage</b>	131 m	68 m	51 m	145.5 m	1190 m
<b>Depth</b>	133 m	133 m	124 m	124 m	450 m
<b>Road - Access to</b>	private	private	private	private	Municipal
<b>Water Supply</b>	Proposed	Proposed	Proposed	Proposed	None
<b>Sewage Disposal</b>	Proposed	Proposed	Proposed	Proposed	None
<b>Official Plan Designation -Conformity?</b>	Rural Yes				
<b>Zoning Category</b>	Rural		Rural		
<b>-Area Required (min.)</b>	1.0-ha		1.0-ha		
<b>-Compliance?</b>	Yes		Yes		
<b>-Frontage Required (min.)</b>	45 m		45 m		
<b>-Compliance?</b>	Yes		Yes		

**B11/132** – Private Road – 20 m wide along previous severance (Pt 2 27R-6750) and 15 m through to the cul-de-sac which is proposed to have a 15 m radius to allow for turning.

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

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

**2.2 Water**

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

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

**3.1 Natural Hazards**

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

Official Plan – Section 2 Basis of Plan, Section 3 Land Use Policies, Section 3.3 Rural Policies, Section 3.3.7 Cluster Lot Development, Section 4 General Policies, Section 4.6.9 Private Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consents to Sever Land.

The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Official Plan provided the issues associated with vegetative screening and private road are adequately addressed.

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

The Town of Mississippi Mills advises that the proposal complies with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

Town Planner's Report

Background

Robert Miller and Ziba Nouraeiyan recently acquired the property with the intent to sever off a portion of the property for development purposes. The property owners met with staff in 2010 and in 2011 to discuss the possibility of a cluster lot development on the property.

The Community Official Plan treats the Cluster Lot development or complex lot development as a pilot project to permit limited development in the rural community.

The proposal involves the creation of four, 1 ha (2.4 acre) non-farm residential lots through the consent process. The lots will have frontage and be accessed from an internal private road. The private road will be subject to a "common element condominium" which will deal with maintenance of the road to the Town's emergency vehicle access standard for private roads.

The option of a complex lot development is unique to the Town of Mississippi Mills Community Official Plan. A review of compliance with the COP policies is contained in this report.

Property Location and Surrounding Land Uses

The subject property is located just south—east of the Panmure Road/Ramsay Concession 12 intersection in the Pakenham Ward in the Town of Mississippi Mills. The property is characterized as rolling topography with a few small pockets of mature vegetation. The property currently abuts two rural residential lots with 8 more rural residential lots on the northern side of Panmure Road.

The property is a 37.96 hectare (93.8 acre) parcel which has been subject to two previous severances. The lot is vacant of any buildings or structures and has scattered pockets of vegetation on the property.

The property is bounded on two sides by open and maintained municipal roads, being Panmure Road and Ramsay Concession 12. The proposed private entrance is located on Panmure Road approximately 1,122 m from the intersection of Panmure Road and Ramsay Concession 12.

The area is sparsely populated with ten existing lots being accessed from Panmure Road, between the Panmure Road and Ramsay Concession 12 intersection and the eastern municipal boundary. The road allowance which abuts the subject property is maintained year round.

The location of the four proposed building lots is characterized as being on rolling cleared land in behind two existing residential dwellings. There exist pockets of significant vegetation to the west of the proposed lots, with little to no vegetation on the



lands being severed to screen the view of the proposed building sites during summer months. The only screening occurring on the property is from the existing dwellings.

#### EVALUATION OF THE APPLICATION

The development proposal is being evaluated against the policies of the Community Official Plan for the Town of Mississippi Mills and the local zoning by-law.

#### Official Plan Policy - Mississippi Mills Community Official Plan

The subject property is designated "Rural" in the Mississippi Mills Community Official Plan. Section 3.3.7, titled Cluster Lot Development sets out the policies for the creation of lots by consent within the rural area of the Ward. The preamble identifies complex lot development as a new concept to be treated as a pilot project. The number of lots created by this method will be limited to a maximum of 40.

#### Cluster Lot Development

A cluster lot development is a grouping of three to five lots (not including the retained parcel) created by consent for clustered rural non-farm residential development. The main purpose of this alternative form of rural residential development is to direct housing away from public roads, reduce the visual impact of strip development, and increase the financial viability of scattered rural residential development.

Since the cluster lot development is a new approach to rural residential development, it will be treated initially as a pilot project. The maximum number of residential lots which can be created under the pilot project within Mississippi Mills shall be 40. The cluster lot development policies and the success of their implementation shall be assessed during the three year review of this Plan. If necessary, appropriate changes to the policies will be made following the review of this Plan.

The number of lots permitted in any specific cluster lot development proposal shall be determined based on the number of lots which were previously severed from the original township lot. The number of previous severances shall include all lots, including those created prior to July 1973:

- a) If an original township lot has had one (1) or fewer previous severances, a cluster lot development proposal involving the maximum of five lots could be considered.
- b) Where the original township lot has had two (2) previous severances, a cluster lot development proposal involving four lots could be considered.
- c) Where the original township lot has had three (3) previous severances, a cluster lot development proposal involving the minimum three lots could be considered.
- d) In no case shall a cluster lot development proposal, plus previous severances result in a situation where there are more than six lots created from an original township lot, excluding the remnant parcel.

Generally, the establishment of cluster lot development shall be discouraged within 1 kilometre of the Almonte urban boundary.

If there is an original township lot which has not had any previous severances, the property owner may be able to pursue the creation of lots under severance policies of Section 3.3.6 or a cluster lot development proposal, but not both. This means that previous severances from an original township lot used in the above calculations must have existed prior to the date of the adoption of this Plan by the Town Council.

The following policies shall apply to cluster lot development proposals:

1. The parent property from which the cluster lot development proposal is severed has a minimum lot area of 50 acres.
2. The single internal road serving the cluster lot development shall be a private road built and maintained to standards set by the Town in accordance with the private road policies of this Plan found in Section 4.6.9.
3. The access point to the development from the public road must be located so that no safety hazards are created at the intersection.
4. Lots are to be serviced either by private individual water and sewage systems or by communal systems. A communal water and sewage system shall be built in accordance with the requirements of the Town and the province. Appropriate servicing studies, including a hydrogeological review in accordance with Section 4.1.3 of this Plan, shall be required.
5. The overall density of development shall be approximately one residential lot per hectare of land. The size of the individual building lots may be as small 0.4 hectares provided sufficient common land is provided to meet the overall density of one residential lot per hectare of land. The minimum lot size shall not include lands within the "Flood Plain" designation
6. Generally, the placement of dwellings within the cluster lot development shall be determined based on the following considerations:
  - (i) houses should either be set back from the nearest public road a minimum of 100 metres or the dwellings must be screened from such road by topography or mature vegetation;
  - (ii) the siting of dwellings shall take into consideration the significant landscape features, vegetation, wildlife habitats or other resources on the property and avoid such areas;
  - (iii) Identifiable features of rural character are maintained or enhanced through the location of the dwellings;
  - (iv) the siting of dwellings shall blend as much as possible with the natural landscape so that the rural character is relatively undisturbed;
  - (v) when the 100 metre setback is waived due to a screen of mature vegetation, agreements must be entered into that ensure the screening effect of the vegetation is not compromised. The site plan control process shall be used to carry out this requirement.
7. Appropriate buffering, in accordance with Sections 3.3.3 or 3.3.4 of this Plan, shall be provided where a cluster lot development is in close proximity to an active agricultural operation.
8. The cluster lot development may include land held in common ownership to be used as open space for recreation, as a site for communal systems or for an access road right-of-way. Once common land is set aside, it cannot be developed further. Such land may be managed under a "common elements condominium".
9. In the event that the lots are being proposed within significant natural features or lands adjacent to such features, an Environmental Impact Assessment shall be required in accordance with 3.1.2.7 of this Plan.
10. If the private road accessing the cluster lot development crosses private land, a deeded right-of-way adequate for right-of-use, road construction and maintenance must be provided, together with an agreement for the maintenance of the right-of-way by the benefiting owners.
11. Residential uses (including accessory structures), private or communal wells, sewage disposal facilities and access roads shall not be permitted on prime agricultural lands, or where there are aggregate resources, wetlands, flood plains, or significant habitat of endangered or threatened species. Where the

- development affects lands adjacent to natural heritage features, the appropriate policies of this Plan apply.
12. Proponents of cluster lot development proposals shall be required to submit an accurate site plan which identifies lot sizes, frontage, lands to be held in common ownership, proposed building and septic system envelopes, natural features including treed areas, slopes, watercourses, drainage courses and low areas subject to ponding/flooding.
  13. The Town shall develop design guidelines for cluster lot development proposals.

The proposed development is a grouping of four lots and a private lane proposed to be created by consent for rural residential development. All four lots are tucked in behind the existing residential dwellings, with the private road providing direct access to Panmure Road. Access to all of the lots will be restricted to the internal private road only. The proposed use is limited to single detached dwellings. The internal private road is designed to meet the Town's private road emergency vehicle access standard as spelled out in the Official Plan.

The junction point between the private road and the Town road allowance has been determined in consultation with municipal staff. This location has good site lines and will provide an appropriate access point to the cluster lot development.

The future development is proposed to be on private services. The Health Unit has indicated in their comments that the site is appropriate for septic systems. There was a summary of the wells in the surrounding area submitted with the applications. There will be a recommended condition of consent to provide a finalized hydrogeologic assessment (drill one well) prior to finalizing the development to ensure provincial guidelines can be met. All lots are proposed to be a minimum of 1 ha in size.

A condition of consent will require a lot grading and drainage plan, location of building envelopes, septic systems and well location. This plan will demonstrate how the dwellings will take into consideration the landscape and natural vegetation of the property.

There are a number of existing patches of mature vegetation on the subject property, both the retained and the lands subject to the application. With the proposed development, some of the vegetation will be impacted by the development, however it will be important to retain as much of this existing tree cover as possible. It will be a condition of consent that landscaping details of the development be provided.

The Plan does set out the requirement to set the houses back 100 metres from the road or have the dwellings screened from the road by topography or mature vegetation. In this case the proposed lots will be located approximately 100m from the local road, with the dwelling being well outside the 100 metre setback from the road allowance. Given the location of the property and the fact that the proposed development is located behind existing residential dwellings and exceeds the 100 metre setback it has been determined that the proposed plan maintained the intent of the screening policies of the Plan.

The policies relating to the number of lots that can be created identify a number of elements to consider. The intent of the Official Plan in the rural area is to preserve the rural character. This proposal attempts to direct development away from the Town road system by way of constructing an internal private road that will locate the newly created lots more than 100m away from the municipal road and in behind two existing dwellings. While the location of the lots exceeds the setback requirements, there is a lack of

vegetation provided along the western edge of the development. As a condition of approval, the developer shall provide additional screening along the western edge of the development to utilize vegetation to screen the proposed houses from view. The Health Unit has indicated that the property can support the four lots to be serviced by septic systems. There is a dwindling supply of rural residential lots within the Town. The 55 ha (136 ac) size of the subject property and the rolling topography make the site ideal for the proposed four rural lot residential development which can be created under this policy. The number of lots being proposed do not appear to run contrary to sound planning principles.

There are no surrounding agricultural lands and therefore no need for buffering. There are no common lands being proposed with this development, although the private road will be administered through a common elements condominium agreement. The common elements condominium agreement will address the construction standard of the road as well as the maintenance of the road and any legal drainage requirements.

There have been two previous severances from the subject property. There are no natural heritage features evident on the subject property.

Based on the above review, it is determined that the proposed complex lot development conforms to the Town of Mississippi Mills Community Official Plan provided the discussed issues associated with the vegetative screening and private road are adequately addressed.

#### Zoning Compliance

The subject property is presently zoned "RU — Rural" in the Town of Mississippi Mills Zoning Bylaw #01-70. This zoning permits the proposed single detached dwellings, as well as home occupations and typical rural land uses. The zoning by-law also requires a minimum lot size of 0.4ha (1-ac) and a minimum lot frontage of 45m (147.6ft) Section 6.21 of the Zoning By-law requires all residential development to have frontage on an open and maintained road. The proposed development will have frontage on a private road. There will be a need for a condition of the consent applications requiring a zoning by-law amendment which exempts the proposed lots from having frontage on an open and maintained Town road.

All other provisions of the zoning by-law appear to be addressed.

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

1. that the severed lots are subject to a zoning by-law amendment to address their frontage on a private road;
2. that the developer provides a detailed lot grading and drainage plan, complete with building locations, septic and well locations, road location, natural vegetation to be retained and enhanced;
3. that the developer provides details of the location and nature of tree retention and tree planting on the portion of land to be developed;
4. that a hydrogeologic assessment of the site be prepared by a qualified individual;
5. that engineered plans detailing the construction of the private road to municipal emergency vehicle standards be provided;
6. that the common elements condominium be established for the private road and all servicing requirements;
7. that the developer enters into a consent agreement with the Town which shall

- include as a minimum the details associated with the lot grading and drainage plans, hydrogeologic assessment and private road development;
8. that the developer provides a copy of the registered reference plan to the Town; and,
  9. that all outstanding taxes on the subject property be paid to the Town.

Conservation Authority – Mississippi Valley Conservation

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

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (4) vacant lots measuring 1.73 ha to 1.86 ha, in addition to severing a private access road, all as part of a Cluster Lot Development proposal. The proposed retained land is also vacant with a size of approximately 52.45 ha.

PROPERTY CHARACTERISTICS

As revealed by a review of available GIS mapping an aerial photography, a tributary of Cody Creek travels along the eastern property line of the proposed severed lands under B 11/133 and B11/134, and along a small section of the retained lands. A portion of this tributary is surrounded by an unclassified wetland, which largely occurs along the eastern property line of B11/134. The remainder of the severed land is largely open field with a forested area along a portion of the eastern half (largely in north eastern half) of severed lands BI 1/133 and BI 1/134. A site visit conducted by MVC staff on October 19, 2011 confirmed the presence of these features. The retained land also consists of two unnamed watercourses, one relatively large unclassified wetland and two smaller ones. We note that a Regionally Significant Area of Natural and Scientific Interest (ANSI) is also located in the near vicinity. Two previously severed lots and a township road separate the proposed severed lands from this feature, which is more than 100 metres away. No other natural heritage features or natural hazards were identified on the subject property.

We also note that an Environmental Impact Assessment (EIA) was prepared by David White, on behalf of the landowner, dated August 28, 2011.

REVIEW

**Natural Heritage Values — Watercourses, Unclassified Wetlands, and Fish Habitat**

A minimum setback of 30 metres is typically recommended for development adjacent to a watercourse or wetland; particularly if fish habitat is present. This setback is intended to protect these features from potential development impacts.

According to the information provided with the application, building envelopes on the severed lands are proposed to be setback greater than 50 metres from any watercourses and wetlands. Therefore, in concurrence with the ETA, negative impacts to the wetlands, watercourses and potential fish habitat are not anticipated from development on the proposed severed lands. With respect to the retained lands,

sufficient area appears to exist to comply with a minimum setback of 30 metres from these features.

### **Natural Heritage Values — ANSI**

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within 50 metres of a Provincially Significant ANSI only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified.

However, in this particular case, the ANSI is not considered Provincially Significant and it is located more than 100 metres from the subject property. Therefore, in agreement with the EIA, no impacts to the ANSI are anticipated.

### **Natural Hazards - Organic Soils**

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Therefore, development is generally directed outside of these areas.

Building envelopes on the severed lands are proposed to be located a minimum of 50 metres from the any wetland, and sufficient area appears to exist on the proposed retained lands for future development outside of this hazard. Therefore, we do not consider organic soils to be a constraint to the subject severances and their future development.

### **RECOMMENDATIONS AND CONCLUSIONS**

With all of the above in consideration, MVC has no objection to the subject applications provided that various conditions are adhered to: In addition to the recommendations found in the “Potential Development Impacts and Mitigation” section of the EIA, we recommend that a stormwater management plan be prepared to address future development on the subject property; particularly with respect to the new road proposed under B11/132.

### **NOTES**

We understand that a hydrogeological assessment will be conducted as a condition of severance. As per our agreement with the County of Lanark, MVC will facilitate the review of an Anticipated report.

Pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission may be required from MVC prior to any alterations to the shoreline of the identified watercourses.

Any proposed works in or near the wetlands and watercourses 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. The Ministry of Natural Resources should be contacted 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) – Leeds, Grenville & Lanark District Health Unit  
Severed B11/132 – a 0.45-ha parcel of land that has shallow soil depth. Land is open field. This proposed severance is to provide an access road with cul-de-sac to service cluster development. Recommendation – this severance for a road and cul-de-sac.

Severed B11/133 – a 1.94-ha parcel of land that has shallow soil depth. Land is partial open field and partially treed. Recommendation – additional sandy loam fill will be required in future tile bed area as indicated on the cluster lot development mapping.

Severed B11/134 – a 1.83-ha parcel of land that has shallow soil depth. Land is partial open field and partially treed. Recommendation – additional sandy loam fill will be required in future tile bed area as indicated on the cluster development mapping.

Severed B11/135 – a 1/73-ha parcel of land that has shallow soil depth. Land is mainly open field and low juniper bush vegetation. Recommendation – additional sandy loam fill will be required in future tile bed area as indicated on the cluster development mapping.  
Severed B11/136 – a 1.86-ha parcel of land that has shallow soil depth. Land is mainly open field. Recommendation – additional sandy loam fill will be required in future tile bed area as indicated on the cluster development mapping.

Retained – a 52.45-ha of open vacant land. Land has a combination of forested area and open field. Slope and drainage can vary. Recommendation – addition sandy loam fill will be required in future tile bed area.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever four (4) residential building lots ranging from 1.7-ha to 1.9-ha in size and to sever a 15m wide private road which is to be held in title by the owners of the lots to be severed as a “common elements condominium” This proposal has been submitted as a “Cluster Lot Development” under the Town of Mississippi Mills Community Official Plan. All the lands are currently vacant.

The Town’s Community Official Plan provides for the maximum number of lots to be created through the ‘cluster lot’ provision based on the number of lots previously severed from the original township lot. This original parcel has had two (2) previous severances, both in 1995 (B95/198 and B95/199) therefore the maximum allowable through cluster lot development is four (4) lots. Official Plan Policies for Cluster Lot Development are extensive and found in Section 3.3.7 of the Community Official Plan, as well, the Town Planner’s has included this listing his planning report.

The subject lands are located in an area characterized by large landholdings along the southerly side of Panmure Road and along Ramsay Con 12. The two previous severances from the lot are located in the northeast corner. Several residential lots are located on the northerly side of Panmure Road. The lands are generally open field.

The proposed lot are to be accessed via a new private road which adjoins Panmure Road, Road, a municipally maintained road.

An Environment Impact Assessment was prepared by David J. White and submitted with the application package. The recommendations and summary have been included in the draft conditions as requested by the Conservation Authority.

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

Bedrock Inventory – Limestone, dolostone, shale

The area has pockets of areas mapped as ‘woodlands’, generally located on the retained lands, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Town of Mississippi Mills.

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are 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 Town Community Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

**(d) PUBLIC INPUT**

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

John Dawson – Nov 21, 2011

I object in principle to this severance since I have been trying to sever 4 acres across Panmure Road from the subject land and I have been continually refused by Mississippi Mills.

How is it that this proposal can be considered and not one across the road?

What is the criteria for allowing severances?

*NOTE – a response was provided.*

Warren Woodstock Nov 21, 2011

I would like to say I object to the severance of the Land : File # B11/132,B11/133,B11/134,B11/135 & B11/136. We bought & built here 12 years ago because of the wooded area across the road & were told it couldn't ever be severed by the previous owner. We don't want a development going up across the road, it would



ruin the whole area. Was there an environmental impact survey on the land? Do we have to attend a meeting to voice our objection or is this email enough?

Who will pay for the upkeep of the road to the development? Under related applications, what is meant by Common Elements Condominium? Are they planning to build condominiums? Will they be allowed to sever more land on the area marked to be retained in the future?

We don't want or need a development across the road. Please notify us of the public meeting.

*NOTE – a response was provided*

Drew Blair – Nov. 21, 2011

I am writing to request that I be notified electronically of any public meetings, notice of decisions or any revised applications regarding the above mentioned application at Pt Lot 27 Conc. 12 in Ramsey Township.

I would comment that cluster lot development should be fitting with the surrounding landscape and not be placed in an area of predominately rural character. Higher density housing may be better suited closer to growth areas such as Almonte and Carleton Place in order to take advantage of existing infrastructure.

This letter does not imply acceptance or approval of the proposed application and I reserve the right to appeal to the OMB at a later date should I so choose.

*Note – notified of sections of COP that apply to this type of development.*

John Dawson - Nov 22, 2011

The land that the application is made has already been severed twice already, how many times will this be allowed?

We live across the road on the corner of Rock Coady Trail & have been trying for years to get permission to sever the 4 acres on the corner, which can't be used for anything, & have been refused every time.

To allow a development to go up in this area doesn't make sense, there are developments close to the 417 & Martin Street. If this is allowed there will be hundred of trees destroyed & less space for wildlife.

*NOTE – a response was provided.*

Diane Bowden - Nov 23, 2011

Below outline some concerns/question regarding the Notice of Application for Consent - Pt Lot 27, Conc. 12 Mississippi Mills.

These issues are being submitted to you on behalf of some of the landowners in the said area.

1. Previous owner of this property (Clarence Timmons) had 2 lots severance off the property before selling to Robert Miller & Ziba Nouraeiyan. Now the new owners are requesting more building lots. The concerns are what will happen if Robert Miller & Ziba Nouraeiyan sells the 52.0 ha in the future. What is stopping further development of the property by other landowners in the future? We live and enjoy the country living we do not want any more housing development.

2. Has there been an environmental assessment done on the property.
3. Further housing development could have an impact on our water source/supply as everyone in the area has their own drilled well. Drilling more wells can impact other wells in our area.
4. In the spring when the snow is melting and there is heavy rain our property tends to have some flooding due to water coming off the property in question, filling the ditch and from there it is channelled across the road running between our property (4542 Panmure) and the property next to us. We do not want to see an increase of water channelled in our direction as it will cause more property & basement floods.
5. Will Lanark County allow Robert Miller & Ziba Nouraeiyan to build other buildings/house(s) on the 52.0 ha in the future?
6. Other related applications: Common Elements Condominium, please explain.
7. Please notify us of the public meeting.
8. Please notify us of the decision of the Land Division Committee in respect of the proposed consent.
9. How does this conform to Mississippi Mills Official plan?
10. With regards to the "Notice of application for Consent" - should this not be a subdivision application? (i.e. when you divide a piece of land into two or more parcels in order to sell one or more, you are subdividing property and therefore it is a subdivision).

We look forward to your response.

*NOTE - a response was provided.*

Cheryl Nason – Nov 25, 2011

I appreciate very much that you have sorted out the notice delivery problems, and that comments are welcome at least for another few weeks. I will let others know if they ask.

Could you advise me what "additional information" is available for viewing – and where this can be viewed - - is it Perth? Your notice alludes to this, but I found it vague.

I would like to reiterate that I am interested in any public meetings, decisions or additional information occurring with regard to this property.

I would appreciate clarification of the term "Common Elements Condominium". It is not clear from the notice, and the word condominium does not invoke happy thoughts.

Here are my concerns from the perspective of a person with property directly abutting the property for which the request is being made.

The location of this severance will greatly impact the rural 'feel' of the neighbourhood, most especially the existing two properties directly abutting it (one of these properties is mine). It seems counter-intuitive to me to allow this to happen when the rest of Lot 27 does NOT touch any existing properties. We who have purchased land in this area value being in a rural setting and never intended to be part of a 'development'. This proposal will cause this area to become a 'development' which seems counter to the Township's documented intentions of treading lightly in rural areas to retain the rural spirit.

There are huge and beautiful trees in the area of severance especially, but not limited to B11/133 and B11/135. These huge trees also appear to be increasingly rare. For these reasons and the beauty they bring, these trees are invaluable to the area. There is also a creek which runs down the back of those properties which feeds into larger waterways in Pakenham. These resources MUST be protected as a proviso to any land severance, even if it means a restriction on where people can build on those severed properties. They are the homes of many animals including hare, fox, deer, coyotes, porcupine, skunks and others – as well as many bird species (even golden eagles).

I have a huge concern, which I suspect would be a concern for all in the neighbourhood, that the well water which is of high quality and quantity not be impacted negatively in any way from any development. With 4 more homes adjacent to my property this is a real concern.

In the spring, there is currently run-off which comes down from the land being discussed through my property (the acreage adjacent to B11/133 and B11/135) in a substantial stream and down into the swamp on my side of Panmure Road.

I am greatly concerned about the effects that blasting, and development will have on this run-off. The land behind me is very dense with shale and bedrock and will not make foundations, septic beds, etc. easy to dig. The risk of increased run-off or flooding to my property is substantial, particularly if the level of the land is raised for development or landscaping. I note that shortly after moving in here, there was water seepage in the basement which had to be rectified by increasing drainage away from the house. With the necessity of these repairs to ensure that water avoids the foundation and my awareness of other neighbours who have had flooding, I believe that water drainage problems could be a high risk. Both property and house must be protected against this potential.

There must be assurances to the property owners in the area that digging or explosives used in any development will not be detrimental to our properties and foundations. Given the structure of the rock in the area where severance/development is being proposed this could be a high risk. There would also have to be recourse for property owners if damage occurs.

Would there be lighting permitted on the road coming in off of Panmure Road? If so this creates a night-time obliteration to the rural night sky (which is a valuable commodity expressed within the Township) and also to the rural feel of the neighbourhood.

I would like to better understand what the next steps are. Please explain the roles of the Planning Departments for the Town of Mississippi Mills and the Lanark County Planning Department. For example, I was surprised that the notice came from Lanark County rather than from the Town of Mississippi Mills. Will an Environmental Assessment be done? Will the ecosystem which is being destroyed for the development be evaluated to ensure it should not be protected – this land seems to overtly resemble the protected Burnt Lands area? What else will be done prior to the project being approved? Who will do what?

What will such a development mean for my property enjoyment and property values? I am very obviously concerned about having extra neighbours due to the way the severance is being proposed and the impact on my privacy and peaceful lifestyle. What will be done to help ensure that buildings are not erected directly on my fence line?

It is my understanding from the Rural Design plans for Mississippi Mills that cluster housing is permitted. However, I believe up to 6 dwellings are allowed including the primary owner's residence. Does this mean that another 2 houses can be added to the cluster of 4 at any time?

These are my initial comments. Many of my neighbours will have similar concerns, I am certain. We all share a love for a rural, quiet neighbourhood with beautiful animals and nature around us.

I look forward to hearing from you.

*NOTE – a response was provided*

Walter Coady – November 27, 2011

With regards to the cluster development on Panmure Road the following are some concerns which I have.

Home owners in the area are on drilled/dug wells and my concern is for the water source in the area which could change and possibly deplete current home owners resources. Also, there is a swamp area directly behind the property in question and this will have an effect on the habitat, there will be more run off of water which will affect wildlife, etc. During turtle season there are a number of turtles which cross Panmure Road at the swamp area. Because of the grade of the property the septic run off from these homes will eventually go into this swamp area and affect the habitat.

There are several mature trees on the property in the lower area and therefore I would not like to see these trees removed.

Should this application for consent be approved there will be 6 houses in the cluster (2 currently there and 4 more in the process of being approved). Perhaps the cluster should be moved elsewhere on the property so that it does not become 6 houses in the same area or look like a subdivision. The visual impact of the development from Panmure Rd. and neighbouring property will not respect the current rural development.

I would like to be informed of a public meeting.

I would like to know the final decision of this application for consent.

Thank you for keeping me informed.

Richard Coady - November 29, 2011

Our concerns would be the increased traffic flow on Panmure Rd, also location of the proposal would impact wildlife and habitat.

We are living out in the country, honestly would like to keep it this way without having sub-urbs starting up.

We are farmers out here a development like this in my mind would then impact by-law regulations, we need to work day and night.

Example of this could possibly be noise pollution like they have in pace in the city, doesn't take much once the developer gets in then all regulations change.

Way of life for families that have lived here for generations would be changed.

*NOTE – advised that EIS was conducted and recommendations.*

Theresa Coady – Dec. 1, 2011

I do not agree with this land to be severed off into a cluster development and condominium.

What about all the wells to be drilled and the septic beds to be used, I think this will not be good for the homes that are already in the community.

Let me know which decision is made.

Patricia Larkin – Dec 7, 2011

We have a concern about this many lots by consent and not by subdivision.

*NOTE - notified of sections of COP that apply.*

Owen and Marilyn Colton – Dec 9, 2011

We are the owners of Lot 26 Conc. 12 Huntley Township, City of Ottawa. The corner of our property is adjacent to the property referred to above and only separation is the Ramsey/Huntley town line. We are very concerned about the applications for severances. We would like information and correspondence concerning this initiative to which we disagree adamantly.

*NOTE - Application policy review was forwarded.*

Cheryl Nason – Feb 24, 2012

Thank you again for allowing me to peruse the documentation this week at your office. It was very interesting reading. As you suggested, I am including below my outstanding concerns regarding the cluster lots proposed for Pt Lot 27 Conc. 12 in the Town of Mississippi Mills.

1. I am angry that this cluster of houses is being considered directly behind current properties, when the land-owners have an extensive geographic area in which building lots could be created without this dramatic impact to existing properties and property owners. I did not buy here to become part of a sub-division, and this is what the location of this development will do to me.
2. Furthermore, putting in this cluster of houses will create the feeling of a sub-division, not in keeping with the rural spirit of the area. This is contrary to the reason people have homes here. This is still not being addressed in the documentation to my satisfaction. There are plenty of developments in the area already to provide expansion and tax dollars, including the large development near Almonte.
3. How are the size and location of the buildings being controlled on the lots? Will these be massive homes which are planned for construction or more in keeping with the rural setting of the area? Who controls the actual buildings on the properties?
4. Regarding the elevation of lots with the addition of sandy loam, I am greatly concerned about the run-off into the back of my property. As previously stated, there is an intermittent (after severe rains or large spring) run-off through my backyard into the swamp/creek to the east side of my property. This run-off is quite close to the back of the house already. I am greatly concerned that the proposed building may cause any further run-off into my yard. I need extremely solid assurance that this will not occur.
5. I understand that there will be a study on the impact on wells in the area. I would like details on how the impact to existing wells is being mitigated and in assurances that the current neighbourhood wells will be protected..

6. From the diagram showing the proposed lots, and from the environmental assessment, it appears that the large trees located behind the east side of my property will not be impacted. What assurances are there that the developers will avoid the treed areas? What recourse do we have if they do not?
7. The documentation does not take into account the wildlife in the swamp area and the wildlife that use this land as a corridor (e.g. fox, coyote, deer, hare, porcupine, etc.). We have worked very hard to keep the environment naturally safe and healthy. There should be some assurance that the wildlife in the area continue to have safe use of this area. This includes the frogs and turtles which are present in the swamp. The environmental assessment mentions the clay coloured sparrow which is unusual to this part of the country. As a property owner, we have noticed that most of these birds come from the large stands of trees behind our property. How are they being protected – or not deemed at risk?
8. In terms of any damages to foundations, etc. your earlier response to my concerns says I must contact the developer to discuss this. We are uncomfortable with having to trust the developer for assistance in the event of a problem. We feel it should be the Town or the County who ensures that existing property owners' rights and properties are respected. This is why we pay taxes.

These are the items which I will be seeking more information on when I attend the meeting on Monday.

**(e) MINUTES – February 27, 2012**

Robert Miller, Ziba Nouraeiyan, owners, Cheryl Nason, Deborah Nason, Water Coady (also representing Diane Bowden) and Theresa Coady, adjacent landowners attended the hearing and gave evidence by affirmation.

Robert Miller provided background information on the applications, noting that he had met with the Town to review the applications to ensure their conformity to the Community Official Plan Policies. The proposal was developed to ensure minimal impact on the natural features, ensured considerable tree cover would remain between the existing lots along Panmure Road and this development and the road was located in such a manner to alleviate some of the existing drainage problems.

Cheryl Nason reviewed her concerns as outlined in her e-mail of Feb 24, 2012

Walter Coady questioned how this development could take place, in light of the fact that the previous owner had already had two consent applications. Mr. Coady was advised that the "Cluster Lot Development" as proposed met the requirements of the Official Plan.

Theresa Coady expressed concerns that there would be more wells and septic system and that the development would affect the wildlife in the area.

Deborah Nason was concerned that new landowners could subdivide with no concern for the existing development in the area, and that there was no assessment of impact on the local neighbourhood.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS: The same conditions apply to all severances**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The applicant shall provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
5. The applicant shall provide the Towns of Mississippi Mills with a copy of all reference plans associated with this application.
6. The applicant shall submit an application for an amendment to the Zoning By-law to address the frontage on a private road.
7. The applicant shall submit a detailed lot grading and drainage plan, complete with building locations, septic and well locations, road location, natural vegetation to be retained and enhanced, prepared by a qualified individual to the satisfaction of the Town of Mississippi Mills.
8. That the applicant shall submit details of the location and nature of tree retention and tree planting on the portion of land to be developed to the satisfaction of the Town of Mississippi Mills.
9. That the applicant submit a hydrogeologic assessment of the site be prepared by a qualified individual to the satisfaction of the Town of Mississippi Mills.
10. That the applicant submit engineered plans detailing the construction of the private road to municipal emergency vehicle standards be provided.

11. That the applicant submit an application to the County of Lanark for a “Common Elements Condominium” for the private road and all servicing requirements.
12. That the applicant enter into a Development Agreement with the Town of Mississippi Mills and Mississippi Valley Conservation which shall include as a minimum the details associated with the lot grading and drainage plans, hydrogeologic assessment and private road development.
13. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills for each new lot being created. The applicant shall consult directly with the Town in this regard.
14. That the applicant shall submit an acceptable road name to the municipality for inclusion in the Civic Addressing System. The applicant shall consult directly with the Town in this regard.
15. That the applicant enter into a Development Agreement with the Town of Mississippi Mills. The wording of the agreement shall be acceptable to the Municipality and the Mississippi Valley Conservation and shall address the recommendations found in the “Potential Development Impacts and Mitigation” section of the Environmental Impact Assessment. 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
16. That the applicant submit a stormwater management plan prepared by a qualified individual, to address future development on the subject property; particularly with respect to the new road proposed under B 11/132 to the satisfaction of the Mississippi Valley Conservation.
17. A letter shall be received from Mississippi Valley Conservation stating that condition #12, #15 and #16 has been fulfilled to their satisfaction.
18. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through to #16 has been fulfilled to their satisfaction.

**NOTES:**

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area on the severed and retained lands.*
3. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a “Clearance of Conditions” letter.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*



5. *The Mississippi Valley Conservation advise that pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission may be required from MVC prior to any alterations to the shoreline of the identified watercourses.*
6. *The MVC also advise that any proposed works in or near the wetlands and watercourses 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.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

*It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Alma McCall Estate

**Hearing Date:** February 27, 2011

**Applicant:** Kathryn McCall

**LDC File #:** B11/141

**Municipality:** Township of Mississippi Mills

**Geographic Township:** Pakenham

**Lot:** 15      **Con** 11

**Roll No.** 0931 946 030 05000

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 2.02-ha residential building lot with an existing dwelling and outbuildings (568 Waba Road) and retain a 38.1-ha vacant landholding. The lands are accessed via Waba Road, a County Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Residential Residential	Agricultural Agricultural
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	2.02 ha 165.77 m 120.58 County Road	38.1 ha 428 m 670 m County Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Private Well Private Septic	None None
<b>Official Plan Designation</b> <b>-Conformity?</b>	Agriculture Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Agriculture  0.4-ha Yes 45 m Yes	Agriculture  37.0-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.

## **2.3 Agriculture**

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

## **2.1 Natural Heritage**

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

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

Official Plan – Section 2 Basis of the Community Official Plan, Section 3.2 Agricultural Policies, Section 3.2.7 Severances and Lot Creation, Section 4 General Policies, Section 4.6.3 County Roads.

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

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

The Town of Mississippi Mills advises that the proposal complies with the zoning by-law regulations.

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

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

Town of Mississippi Mills – Planner's Report

#### Background

The estate of Alma McCall (Kathryn McCall) currently owns a 41.3ha (102ac) parcel of land with an existing dwelling, barn and outbuildings in the former Township of Pakenham, now the Town of Mississippi Mills. The parcel has frontage onto two local roads, Waba Road and Barr Side Road, both of which are municipally owned and maintained by the municipality year round.

Over the last number of years, approximately 39.3ha (97.1ac) of land of the subject property has been leased and farmed by local farmers, while Ms. Kathryn McCall, daughter of the late Alma McCall has resided in the dwelling. An interest to consolidate the land utilized for cash crop operations has been expressed to support a local farming operation.

The lands subject to the consent application are designated Agricultural in the Official Plan and zoned Agricultural in the zoning by-law.

#### Severance Application Summary - Lot Severance

The application is to sever approximately 2.0ha (5ac) of land from the 41.4ha (102ac) parcel of land and consolidate those lands into the agricultural farm holdings of the purchaser. The intent of the application is to sever the portion of the agricultural lands currently being used for cash crop farming. For the last number of years the cash crop lands have been rented to support local cash crop operations.

The retained portion of land would maintain a lot area of 39.3ha (97.1ac) with approximately 428m (1,404.2ft) of frontage onto Waba Side Road.

#### Community Official Plan:

The subject property has an Official Plan designation of Agricultural. Section 3.2.7-Severances and Lot Creation, permits the creation of a lot, only if the farm dwelling was built prior to 1978 and is made surplus to a farming operation as a result of a farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm. The official plan also states that only farmers expanding their farm holdings shall qualify for surplus farm dwelling severances. The COP defines a surplus dwelling as being a farm dwelling built prior to 1978 and is made surplus as a result of farm consolidation.

The proposed lot severance is not creating a new residential or agricultural lot, but rather is increasing the farm landholding of a local farmer to maintain a secure viable farming operation. These lands are currently being used for a cash crop farming operation and the acquisition of the farm land will keep the lands in a cash crop operation.

When a farm dwelling on agricultural lands is deemed surplus and is permitted to be severed under Section 3.2.7.1 of the Community Official Plan, the municipality is required to impose a condition on the severance which requires a zoning amendment prohibiting the construction of a new residential dwelling on the farm land parcel rendered vacant as a result of the severance.

#### Zoning By-law 01-70:

The subject properties are currently zoned Agricultural (A) zone. The Agricultural (A) zone permits a range of agricultural uses and single detached residential dwelling. For lands intended to be used for agricultural purposes, the by-law requires a minimum lot area of 37 ha (91.4ac) and a minimum lot frontage of 150m (492ft). The lands intended to be used for Non-Farm Residential, the by-law requires a minimum lot area of 0.4ha (1ac) and a minimum of 45m (147.6ft) minimum lot frontage. Application B11/141 is proposing to sever the single family dwelling and barns deemed surplus to the farming operation of the property. The severed lands would have a lot area of approximately 2.0ha (5ac) with 165.77m (543.87ft) of frontage. The retained lands would have a lot area of 39.3ha (97.1ac) with approximately 428m (1,404.2ft) of frontage. Both the severed and retained lands meet the minimum lot standards set out by the local zoning by-law.

#### Conclusion

The proposed severance is consistent with the Community Official Plan policy regarding severances and lot creation and is consistent with the zoning by-law. With this in mind, staff's recommendation regarding the proposed severance is to support the application.

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pay any outstanding property taxes on the subject property.
4. That the applicant shall rezone the retained lands to prohibit the construction of a new residential dwelling on the farm land parcel rendered vacant as a result of the severance

Conservation Authority - Mississippi Valley Conservation

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

A review for species at risk was not conducted. We suggest contacting the Ministry of Natural Resources if you require a review in this regard.

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

Severed – The severed parcel is 5.0 acres. It contains a house and 3 out buildings. The house is on a slight hill with slope to rear of property. Behind the house are agricultural fields. The septic system is to the side of the house, north east. There will be sufficient land for future replacement of the septic system.

Retained – The retained parcel, 94.2 is comprised of agricultural fields. The parcel is intended to remain agricultural.

County Roads Department – Lands to be severed have an existing approved residential entrance permit #2356. Lands to be retained have an existing approved field entrance Permit #2355. Residential acres, if required in the future, must be gained from local municipal road (Barr Side Road).

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 – HONI advised that they have no concerns.

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

**(c) PLANNING REVIEW**

The applicant proposes to sever 2.02-ha residential lot with an existing dwelling and outbuildings and retain a 39.3-ha agricultural landholding to be consolidated with the adjacent farming operation.

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

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

Soils Inventory – Name: Rideau

- Stoniness: non stony
- CLI: 3 –moderately severe limitations for agriculture
- Drainage: imperfectly
- Hydrogeology: high run-off

Bedrock Inventory – limestone, dolostone, shale

The lands have no areas mapped as ‘woodlands’. Woodland Development Policies have not been established by the Town of Mississippi Mills.

The Provincial Policy Statements encourages the protection of prime agricultural areas for the long-term use for agriculture. The lands being severed as ‘lot additions’ to existing residential lands are within a forested area of the agricultural operation and are not used as part of the agricultural operation (i.e. crops). Therefore the request falls under PPS Section 2.3.5.1.c and the applications can meet the consistent with test of the Provincial Policy Statement.

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – February 27, 2012**

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.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
4. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application.
6. That the applicant shall rezone the retained lands to prohibit the construction of a new residential dwelling on the farm land parcel rendered vacant as a result of the severance. The applicant shall consult directly with the Town in this regard.
7. 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.
8. A letter shall be received from the County of Lanark Public Works Department stating that condition #7 has been fulfilled to their satisfaction.
9. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #6 has been fulfilled to their satisfaction.

**NOTES**

1. *The applicant is advised that residential access, if required in the future, must be gained from the local municipal road (Barr Side Road).*

2. Endangered Species Act, 2007, and Species at Risk in Ontario Background

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

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

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





**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Rob & Diane McKirdy **Hearing Date:** February 27, 2011  
**Agent:** N/A  
**LDC File #:** B11/162 & B11/163  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Lanark **Lot:** 20 **Con** 9  
**Roll No.** 0940 934 030 00400 **Consent Type:** 2 New Lots

**Purpose and Effect:** To sever a two (2) residential building lots (1.29-ha and 1.7-ha) and retain a 31.56-ha landholding lot with an existing residential dwelling and barns at 1293 Galbraith Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/162	B11/163	
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residential	Vacant Residential	Vacant Residential
<b>Area</b>	1.29 ha	1.74 ha	31.56 ha
<b>Frontage</b>	204 m	233 m	484 m
<b>Depth</b>	63.4 m	75 m irregular	600 m
<b>Road – Access to</b>	Municipal Road	Municipal Road	Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed Well Proposed Septic	Proposed Well Proposed Septic	Private Well Private Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes		
<b>Zoning Category</b>	Rural		Rural
<b>-Area Required (min.)</b>	1.0-ha		1.0-ha
<b>-Compliance?</b>	Yes		Yes
<b>-Frontage Required (min.)</b>	60 m		60 m
<b>-Compliance?</b>	Yes		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

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

### **2.1 Natural Heritage**

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

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

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

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

### **3.1 Natural Hazards**

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

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

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

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

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

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

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

#### Township's Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots. The property is legally described as Pt Lot 20 Concession 9, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever two residential building lots (lot 1, 1.29 ha) (lot 2, 1.7 ha) and retain a 31 ha landholding with an existing dwelling, barns at 1293 Galbraith Road.

The property is designated as Rural on Schedule 'A 4' of the Township's Official Plan and zoned Rural on Schedule 'A 4' by Zoning By-law 2003-451.

### 1.1 PROVINCIAL POLICY

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

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

### 1.2 OFFICIAL PLAN

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, within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposal as submitted can achieve those directives.

### 1.3 ZONING

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

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

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

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

Conservation Authority - Mississippi Valley Conservation

Mississippi Valley Conservation (MVC) has been circulated the above noted application

to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat

and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

## PROPOSAL

It is our understanding that the purpose of the subject applications is to sever two lots: Lot #1 (B 11/162) measures 3.2 acres of vacant land, while Lot #2 (B11/163) measures 4.3 acres of vacant land. The retained land is 78 acres with an existing dwelling and barn.

## PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the entire property has been classified by the Ministry of Natural Resources as a significant deer wintering area. The retained land consists of a mix of agricultural land, isolated pockets of forest, and a forested area to the east, which is connected to a larger forest that extends beyond the subject property. Several areas of unclassified wetland were also observed on the retained lands, with an unnamed watercourse traveling through. With respect to severed Lot #1, it is almost entirely open field with a few trees. A large portion of severed Lot #2 consists of an isolated forested area while the remainder is open field. One of the unclassified wetlands located on the retained land is within 30 metres of Lot #2. No other natural heritage features or natural hazards were identified.

## REVIEW - Natural Heritage Features

### Deer Yard

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within significant wildlife habitat, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally assessed through an Environmental Impact Assessment (EIA). Forested areas, with an abundance of browse and conifers for snow cover, are understood to be prime wintering habitat.

However, for the following reasons, it is our opinion that there is limited value in conducting an EIA for the subject applications:

- Lot #1 is entirely an open field which would not provide deer wintering habitat.
- Sufficient area exists on Lot #2 to build in the open field outside of the forested area.
- Neither severed lot is connected to the larger forest which is more likely to provide the core deer wintering habitat for this area.
- The retained lands are already developed with no new development proposed at this time.

### Unclassified Wetland

As previously indicated, unclassified wetland was observed on the proposed retained

lands. Due to the numerous environmental benefits of wetlands, which range from potential fish habitat to acting as a natural filtration system for clean groundwater, MVC strongly encourages their preservation.

Sufficient area exists on the severed lands for development that complies with a recommended 30 metre setback from any wetland.

#### Watercourse

A watercourse was identified on the proposed retained lands. Given that these lands are already developed with no new development proposed at this time, we do not anticipate any impacts to the watercourse as a result of these applications.

#### Natural Hazards - Organic Soils

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. It is, therefore, recommended that development occur outside of these poorly drained areas

### RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC does not have any objections to the subject applications provided the following mitigative measures are implemented:

#### Lot #1:

- Pet dogs shall not be allowed to roam freely and harass deer.

#### Lot #2:

- That no buildings or structures, including septic systems shall occur within 30 metres of any wetland.
- Future development shall occur in the open field rather than the forested area, unless otherwise supported by an EIA with concurrence from MVC.
- The existing forested area shall remain undisturbed, unless otherwise supported by an EIA with concurrence from MVC.
- Natural drainage patterns on the site shall not be substantially altered, such that additional run is directed into the wetland.
- Pet dogs shall not be allowed to roam freely and harass deer.

#### Retained land:

- Unclassified wetland shall remain undisturbed.
- There shall be no further reduction in forested areas, unless otherwise supported by an EIA with concurrence from MVC.
- Pet dogs shall not be allowed to roam freely and harass deer.

### NOTES

We assume that any potential future development on the retained lands will comply with the zoning provisions; particularly with respect to the minimum 30 waterbody setback from the watercourse, and the retention of a shoreline vegetated buffer. We also recommend a 30 metre setback for any development adjacent to wetland.

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

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

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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – B11/162 – Good Drainage on a cleared lot currently used for agriculture. At least 1 metre of clay loam soil. Lot is of adequate size to accommodate on-site sewage disposal. Imported, sandy-loam septic fill may be required to construct system.

Severed – Partially wooded lot with thin topsoil over bedrock. The lot slopes away at the back providing good drainage. Lot size is adequate for on-site sewage disposal but imported sandy loam septic fill will be required to construct a raised system.

Retained – Large lot with house and several outbuildings partially cleared and partially wooded. Good drainage on cleared land. Low lying wet area behind house. Drilled well visible, no signs of failure for existing system. Severance will not impact on-site sewage disposal on retained lands.

Hydro One Networks – No comments were received.

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

**(c) PLANNING REVIEW**

The applicant proposes to sever two (2) residential building lots (1.29-ha and 1.74-ha) and retain a 31.56-ha landholding with an existing dwelling, barns and outbuildings. Three previous severances were taken from the original landholding; however these are prior to the 'sunshine' date of 2003, of the Township's Official Plan.

The subject lands are located in an area characterized by Residential on large landholdings, interspersed with typical building lots along both the 9<sup>th</sup> Con B Lanark and Galbraith Road.

Both lots are proposed to be accessed via 9<sup>th</sup> Con B Lanark. The retained lands are accessed via Galbraith Road.

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 165 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 252m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

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

Bedrock Inventory – marble, calc-silicate

The area has considerable land masses mapped as 'woodlands', however none on the proposed building lots. Care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Lanark Highlands.

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

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

**(d) PUBLIC INPUT**

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

Hilary Houston – Jan 13, 2012

I have investigated the footprint of the said severances and find no issue regarding the proximity to my well. Therefore, I recommend that these two severances be allowed as proposed.

I request to be informed of the public meeting once the Land Division Committee have completed the review of the proposal. Also once a decision has been reached, I would appreciate being notified.

**(e) MINUTES – February 27, 2012**

Diane and Robert McKirdy, owners, attended the hearing and gave evidence under oath.

Mr. McKirdy questioned the 5% cash-in-lieu, the purpose and the amount.

The chair reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

## CONDITIONS:

### B11/162

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 of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. 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).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
9. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #8 has been fulfilled to their satisfaction.

## NOTES

1. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*



4. *The Leeds Grenville and Lanark District Health Unit advises that imported sandy loam fill may be required in the septic system area.*
5. *The Mississippi Valley Conservation advises that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission may be required from MVC prior to any alterations to the shoreline of the watercourse.*
6. *In addition, any proposed works in or near the watercourse or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

### **B11/163**

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. 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).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. 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 November 22, 2011, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
10. A letter shall be received from the Mississippi Valley Conservation stating that condition #9 has been fulfilled to their satisfaction
11. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
2. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
3. *It is recommended that the applicant review available water well records of*

adjacent lands to determine that there is adequate potable water for a residential dwelling.

4. *The Leeds Grenville and Lanark District Health Unit advises that imported sandy loam fill may be required in the septic system area.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *The Mississippi Valley Conservation advise that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission may be required from MVC prior to any alterations to the shoreline of the watercourse.*
7. *In addition, any proposed works in or near the watercourse or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines*  
*general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** 1259541 Ontario Inc.

**Hearing Date:** February 27, 2012

**Applicant:** Bill Bolger

**Agent:** W. John Rick / Rick & Assoc.

**LDC File #:** B11/164, B11/165 & B11/166

**Municipality:** Town of Mississippi Mills

**Geographic Township:** Ramsay

**Lot:** 24      **Con** 5

**Roll No.**      0931 929 015 24900

**Consent Type:** New Lots

**Purpose and Effect:** To sever a three (3) residential building lots (1.6-ha, 1.0-ha and 1.12-ha) and retain a 34.4-ha landholding. The lands are accessed via Bellamy Mills Road and Con 5B Ramsay. These are a re-submission of applications B09/053, B09/054 and B09/055 which were allowed to lapse.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/164	B11/165	B11/166	
<b>Existing Use</b>	Vacant	Vacant	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential	Residential	Residential
<b>Area</b>	1.6 ha	1 ha	1.12 ha	34.4 ha
<b>Frontage</b>	165 m	171 m	168 m	800 m
<b>Depth</b>	70 m	64 m	67 m	370 m
<b>Road - Access to</b>	Municipal Rd	Municipal Rd	Municipal Rd	Municipal Rd
<b>Water Supply</b>	Proposed well	Proposed well	Proposed well	Proposed well
<b>Sewage Disposal</b>	Proposed septic	proposed septic	Proposed septic	Proposed septic
<b>Official Plan Designation</b>	Rural			
<b>-Conformity?</b>	Yes			
<b>Zoning Category</b>	Rural			Rural
<b>-Area Required (min.)</b>	1.0-ha			1.0-ha
<b>-Compliance?</b>	Yes			Yes
<b>-Frontage Required (min.)</b>	45 m			45 m
<b>-Compliance?</b>	Yes			Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

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

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

## **2.1 Natural Heritage**

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

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

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

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

## **2.2 Water**

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

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

Official Plan – – Section 2 Basis of the Plan, Section 3.3 Rural Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever.

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

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

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

#### Town Planner's Report

##### Background

Bill Bolger currently owns a 37.5 ha (92.4ac) parcel of land which is divided by Bellamy Mills Road and Ramsay Concession 5B into three parcels of land under one holding. The consent applications are proposing to create three new rural residential building lots, two of which are on the land holdings to the north with frontage on Bellamy Mills Road and

Concession 5B. The third lot is on the land holdings to the south with frontage on to Bellamy Mills Road. All of these lots would be created in the north-east quadrant of Pakenham Ward, in the Town of Mississippi Mills.

The 37.5ha (92.4ac) parcel of land is broken into two parcels of land under one land holding because of the quarter sessions road dividing the property. Historically, the property has only had one severance from the land holdings, which occurred in 2008. The severances being sought with these applications were also considered in 2009 and were approved by the County of Lanark's Land Division Committee. It was understood at that time that the quarter sessions road was owned by the municipality, creating the natural severance. The applicant did not satisfy all provisional conditions of the consent and as a result it lapsed.

Further investigation has shown that Bellamy Mills Road is a quarter sessions road that has never been surveyed and transferred to the municipality for ownership. In this case, while the road has never been surveyed and transferred to the municipality, it does have legal status.

What this means is that the registry office does not recognize that there is a change in ownership and thus the road cannot be considered as creating a natural severance of the lot.

The land on the north west of the intersection of Bellamy Mills Road and Concession 5A has an approximate lot area of 16.2ha (40 ac) with an approximate lot frontage of 671m (2,201.4ft) along the north side of Bellamy Mills Road. The land on the south of the intersection has an approximate lot area of 21.3ha (52.6ac) with an approximate lot frontage of 521m (1,709.3ft) along the south side of Bellamy Mills Road. The subject lands are located in the north eastern quadrant of Pakenham Ward in the Town of Mississippi Mills.

All of the lands subject to the consent application are designated Rural in the Official Plan. All of the lands are zoned "Rural (RU) Zone."

#### Severance Application Summary

##### Southern Land - Lot Severance 1 — Consent Application B11/164

This application is to sever a 1ha (2.47ac) parcel of land from the existing rural residential lot to create a new rural residential lot. The proposed lots would have 165m (541 .3ft) of frontage on Bellamy Mills Road.

##### Northern Land - Lot Severance 2 — Consent Application B11/165

This application is to sever a 1ha (2.47ac) parcel of land from the existing rural residential lot to create a second new rural residential lot. The proposed lots would have 171m (561ft) of frontage on Bellamy Mills Road.

##### Lot Severance 3 — Consent Application B11/166

This application is to sever a 1.lha (2.78ac) parcel of land from the existing rural residential lot to create a third new rural residential lot. The proposed lots would have 168m (551.2ft) of frontage on Bellamy Mills Road.

#### Retained Lands

The retained lands Rural lands would support the existing residential dwelling and have

an approximate lot area of 34.4ha (85ac) with an approximate lot frontage of 817m (2,680.4ft)

**Community Official Plan:**

Section 3.3.6 of the Community Official Plan sets out the lot severance policies on lands that are locally designated Rural. The relevant policies are as follows:

1. The number of rural non-farm residential lots created by severance per land holding shall be limited to two lots created plus the remnant lot, except where otherwise specifically provided for in this Plan. A holding is defined as a parcel of land holding and benefit from the development rights permitted under the Community Official Plan. This would grant the applicant the ability to create two additional lots.

The proposed lots front on to a year round publicly maintained road, being Bellamy Mills Road and Concession 5a. Furthermore, all of the proposed and retained lots have significant lot frontage to meet the required lot frontage and driveway separation. The proposed lot sizes meet the requirement stipulated within the Community Official Plan.

**Zoning By-law 01-70:**

The property subject to the application is zoned Rural (RU) zone.

The zoning provisions for lots in the Rural zone require a minimum lot area of 10 hectares if used for a rural use or 0.4 hectares (1 acre) if used for non-farm residential. The required minimum lot frontage for Rural property is 150 metres (492ft) or 45m (147.6ft) if used for non-farm residential. The lots being proposed meet or exceed the performance standards outlined in the local zoning by-law.

**Conclusion**

With the Bellamy Mills Road and Concession 5A not being in municipal ownership, the 37.5 ha (92.4ac) parcel of land constitutes one land holding as defined in the Community Official Plan and therefore is only entitled to one additional severance even though it is consistent with the other Community Official Plan policies and zoning provisions. Any more than one additional lot would not be consistent with the lot creation policies of the Community Official Plan. Therefore, it is staff's recommendation to only support the creation of one additional lot:

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

1. That the applicant provides a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pays any outstanding property taxes on the subject property.
4. That the applicant must acquire an entrance permit; and
5. That the applicant must acquire a PIN/Municipal address for each lot.”
6. The applicant must provide a survey of the right of way on the subject lands.

Conservation Authority – Mississippi Valley Conservation

***December 14, 2011***

Mississippi Valley Conservation previously conducted a review of Consent Applications B09/053-055, for the subject property, in a letter to the County of Lanark dated June 19, 2009. We understand that the subject applications are a resubmission of these applications, which were allowed to lapse.

Our comments remain the same as those outlined in our previous review of applications B09/053-055.

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.

***June 19, 2009 report for Application for Consent – B09/053-055***

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

According to the information provided, the applicant proposes to sever three 1.0-ha vacant residential building lots and to retain a 34.44-ha vacant parcel of land.

According to a review of available GIS mapping and as confirmed during a site visit conducted by MVC Staff on June 17, 2009, an unnamed tributary of the Indian River runs through the retained parcel and, through or within 30 metres of, all three of the proposed severed parcels. On the proposed retained lands, mapping shows the tributary connected to an unclassified wetland in the southwest section and lowland surrounding the tributary.

The resulting lots meet with the current minimum area and frontage requirements set out in the Town of Mississippi Mills' Zoning By-law and sufficient area exists to locate future development in compliance with the zoning by-laws and various setback requirements. With all of this in consideration, MVC does not object to the subject application provided the following mitigative measures are implemented for any future development on the subject property:

1. A minimum 30 metre setback from the seasonal high water mark of the unnamed tributary and wetland shall be maintained for future structures and a septic system.
2. The shoreline vegetation surrounding the unnamed tributary and wetland shall be retained to a minimum depth of 15 metres.
3. With regard to site selection for future structures, development shall be directed outside of lowland/wetland areas containing organic soils.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the unnamed tributary, 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 watercourse 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.



On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – B11/164 – Good Drainage, partially cleared lot slopes from west to east with a small stream on the east edge. Bedrock outcrops on the west side. Clay loam soil in centre 0.3- 1.0 metres deep. Lot size is adequate for on-site sewage disposal. Imported, sandy loam leaching bed fill may be required to construct a conventional system.

Severed – B11/165 – lot slopes toward Bellamy Mills Road, with rock outcrops at the back. A small stream runs through the lot near Concession 5B Ramsay Township. 0.2 – 0.6 metres clay loam topsoil. Lot size is adequate for on-site sewage disposal. Imported, sandy loam leaching bed fill may be required to construct a septic system.

Severed – B11/166 - Lot slopes steeply down to Concession 5B Ramsay Township. Topsoil depth varies with rock outcrops on the high east side. There is a small stream running along next to Concession 5B Ramsay Township. Lot is large enough to accommodate on-site sewage disposal. Imported leaching bed fill will likely be required to construct a septic system.

Retained – Large property used for agriculture. Fair drainage on clay loam soil of varying depths. This severance will not negatively impact on-site sewage disposal on retained lands.

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, 1.0-ha each and retain a 34.4-ha vacant landholding. These applications were previously approved and were allowed to lapse.

The subject lands are located in an area characterized by a mixture of residential and vacant landholdings on a variety of lot sizes.

The lands are accessed via Bellamy Road and Ramsay Con 5B, both municipally maintained roads.

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

Bedrock Inventory – granodiorite, tonalite

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development

that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

**(d) PUBLIC INPUT**

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

Jim Mountain – Jan 9, 2012

We are property owners to the east of said properties.

A natural watercourse runs from the properties under the aforementioned applications, through to our property and through 4 adjoining properties downstream.

We ask that should this application be approved, it be on condition that no further clear-cutting of natural vegetation, or dredging of the stream bed occur along the remaining stream banks on these 3 applicant properties,

Over the past 2 years, the neighbouring property, adjacent to the 3 applicant properties has seen that owner completely clear-cut all trees and vegetation along the natural watercourse, has dredged and straightened a portion of the natural streambed. This has caused silting downstream, and premature drying up of the stream's flow.

In effect, this kind of activity lessens the aesthetic and property values of downstream owners. The stream is small, but is a habitat for American Bittern, Great Blue and Green Herons, meadowlark, bluebirds, otters, muskrat, various turtles, clams and minnow populations such as stickleback. During spring run-off it sends a substantial flow of freshwater to the Indian River and ultimately the Mississippi River.

So to concluded, any approval of the 3 applicant severances must ensure that conservation of the natural and ecological values associated with the tributary stream that runs through them, is a priority and a condition for approval.

**(e) MINUTES – February 27, 2012**

Bill Bolger, agent, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS: Same conditions for all three lots:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
4. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
6. The applicant shall obtain an entrance location permit from the Town of Mississippi Mills. The applicant shall consult directly with the Town in this regard.
7. The applicant shall obtain a Civic Address Number from the Town of Mississippi Mills. The applicant shall consult directly with the Township in this regard.
8. The Quarter Sessions Road, known as Bellamy Mills Road and Ramsay Con 5B, between Bellamy Mills Road and the road allowance, adjacent to the severed lots be surveyed and deeded to the Town of Mississippi Mills by registered deed, at no cost to the Town. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Town Roads Superintendent shall be consulted prior to commencing a survey to determine the road width required.
9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Town of Mississippi Mills. 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 14, 2011 and June 19, 2009, 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.

10. A letter shall be received from the Mississippi Valley Conservation stating that condition #9 has been fulfilled to their satisfaction.
11. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
2. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
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 Mississippi Valley Conservation advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
5. *In addition, any proposed works in or near the watercourse 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.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Jerry Ross Thompson **Hearing Date:** February 27, 2012  
**Applicant:** Charlotte M. Thompson  
**LDC File #:** B11/167  
**Municipality:** Tay Valley Township  
**Geographic Township:** South Sherbrooke **Lot:** 11 **Con** 1  
**Roll No.** 0911 914 015 09100 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 1.3-ha residential building lot and retain a 9.3-ha vacant landholding. The lands are accessed via Althorpe Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Pasture	Pasture
<b>Proposed Use</b>	Residential	Pasture
<b>Area</b>	1.3 ha	9.3 ha
<b>Frontage</b>	136.2 m	197.1 m
<b>Depth</b>	91.4 m	471 m
<b>Road - Access to</b>	County Road	County Road
<b>Water Supply</b>	Proposed Well	N/A
<b>Sewage Disposal</b>	Proposed Septic	N/A
<b>Official Plan Designation</b>	Rural	
<b>-Conformity?</b>	Yes	
<b>Zoning Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage Required (min.)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

limited residential development and other rural land uses.

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

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

### **2.1 Natural Heritage**

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

Official Plan – Section 2 General development Policies, section 3.3 Mineral Resources Policies, section 3.6 Rural Policies, Section 4.4 Township Roads, section 5.2 Land Division.

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

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

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

## **(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 proposed residential use is permitted. Lot area of 1-ha is met for both the proposed severed and retained lot (1.3-ha total and 9.3-ha respectively). Both the proposed and severed lots exceed the minimum road frontage requirements.

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

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Copy of Deed/transfer
- 1 copy of the reference plan
- Parkland contribution of \$100

### Conservation Authority - Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has completed a review of the above noted application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the applications from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act.

We have not identified any natural heritage or natural hazards that would otherwise preclude the approval of the application. There is a small watercourse flowing through the proposed retained parcel. The RVCA recommends a 30 metre development and disturbance setback from the watercourse and any alteration of the watercourse which

may be proposed in the future requires prior written approval from the RVCA as per Regulation 174/06 (“Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”).

The Rideau Valley Conservation Authority has no objection or condition of approval to the severance application.

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

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

A site visit was conducted at the above mentioned property by our office on December 5, 2011, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately a 1.3 hectare parcel, irregular in dimension. The proposed lot is currently vacant. The topography of the area is sloping from northwest to southeast, mostly open pasture land with areas of exposed rock. The purpose of the consent, as identified by the applicant, is to create a new lot.

The retained parcel is irregular in dimensions and approximately 9.3 hectares. The lot is vacant and the described use is pasture.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of a septic system. Due to the exposed bedrock, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site waste water would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The severance will not interfere with the existing septic system on the retained portion or limit the ability to operate, maintain or replace the system in the future. Given the above information, our office has no objections to the severance as proposed.

An approved septic permit is required prior to the issuance of most building permits.

County Roads Department – Land to be severed by B11/167 has an approved entrance location which will be a Common Entrance with Pin 2311. Full entrance application must be submitted and entrance installed prior to deed endorsement. Retained lands to gain access from local municipal road known as NC Fire Route 5-1

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

“In Preparation” Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title.

The County of Lanark Construction Supervisor shall be consulted prior to commencing a



survey to determine the amount of road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration. Following registration one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 1.3-ha residential building lot and retain a 9.3-ha vacant landholding. All the lands are currently vacant.

The subject lands are located in an area characterized by Rural Residential on large landholdings interspersed with smaller residential building lots along Althorpe Road.

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

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – granodiorite, granite

The lands have no mapped area as ‘woodlands’. Woodland Development Policies have not been established by Tay Valley Township.

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – February 27, 2012**

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

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application.
6. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
7. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
9. 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.

10. 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.
11. 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.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 through #11 has been fulfilled to their satisfaction.
13. A letter shall be received from Tay Valley Township stating that condition #3 through #8 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 Rideau Valley Conservation Authority recommends a 30 metre development and disturbance setback from the watercourse and any alteration of the watercourse which may be proposed in the future requires prior written approval from the RVCA as per Regulation 174/06 ("Development, Interference with Wetlands and Alterations to Shorelines and Watercourses").*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Mary Anne Somerton & Kathleen Paul      **Hearing Date:** February 27, 2012  
**Agent:** Mary Anne Somerton  
**LDC File #:** B11/168  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Lanark      **Lot:** 7      **Con** 3  
**Roll No.** 0940 934 025 0600      **Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 286 sq.m. parcel of land as a lot addition to lands owned by Helen Mary Anne Somerton at Pt Lot 7 Conc. 3 Lanark being Part 10 on Plan 26R-3224 and to retain a 4.65-ha landholding. The lands are accessed via Neilson Lane.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Road Road	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	286 sq m 13 m 22 m Private Road, unregistered	4.65 ha 118 m Irregular Private Road, unregistered
<b>Water Supply</b> <b>Sewage Disposal</b>	Other Other	Other Other
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Lake Development  n/a – lot addition	Lake Development  1.0-ha Yes 50 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 3.0 Growth and Settlement, Section 3.6 Rural Area, section 3.6.4 and 3.6.5 Lake Development Policies, Section 4.5.4 Private Roads, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 11.0 Lake Development Zone. The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

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

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

Township of Lanark Highlands – Planner’s Report

#### **1.0 Introduction**

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 7, Concession 3, Geographic Township of Lanark now in the Township of Lanark Highlands.

The applicant wishes to sever a 286 square metre parcel of land and add it to Part 10 of Plan 26R3224. The purpose of the application is to add land which provides access for Part 10 of Plan 26R3224 and commonly known as 102 Neilson Lane.

The property is designated as Rural, on Schedule ‘A 4’ of the Township’s Official Plan and zoned Lake Front Development on Schedule ‘A 4’ in Zoning By-law 2003-451.

#### **2.0 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.

Section 2.0, Wise Use and Management of Resources, protects all natural heritage features from adverse impacts. There are no identified natural heritage features on the subject lands. Accordingly the application is consistent with this section of the PPS.

### **3.0 Official Plan**

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

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. The proposed lot addition is in conformity with the existing Official Plan's relevant policies.

### **4.0 Zoning**

The lands are zoned as Lake Front Development on Schedule "A 4" by Zoning By-law 2003-451. Although the lands to be enlarged do not meet the current requirements or provisions of the Lake Front Development zone, the property does enjoy legal nonconforming status.

### **5.0 Discussion**

This application for a lot addition will not result in any new lot and will provide proper access to 102 Neilson Lane. The application as submitted is consistent with the PPS, complies with the policies of the existing Official Plan and Zoning By-law.

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

1. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
2. That the applicant pays any outstanding fees to the Township prior to final approval.

## **(c) PLANNING REVIEW**

The applicant proposes to sever a 286 sq.m. parcel of land as a lot addition to lands owned by Helen Mary Anne Somerton at Pt Lot 7 Conc. 3 Lanark being Part 10 on Plan 26R-3224 and to retain a 4.65-ha landholding. This parcel of land comprises of the existing r-o-w to the Somerton lands. No new development is proposed. The lands are accessed via Neilson Lane.

The lands have not been mapped as 'woodlands'. Woodland Development Policies have not been established by the Township of Lanark Highlands.

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – February 27, 2012**

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.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Helen Mary Anne Somerton described as Part 10, Plan 26R-3224, being part Lot 7 Conc. 3, geographic Township of Lanark and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicant shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application.



7. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #6 has been fulfilled to their satisfaction.

## **NOTES**

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

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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Ross Gordon Olmstead **Hearing Date:** February 27, 2012  
**Applicant:** John W. Olmstead  
**LDC File #:** B11/171B  
**Municipality:** Township of Beckwith  
**Geographic Township:** N/A **Lot:** 18 **Con** 10  
**Roll No.** 0924 000 035 44000 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 38.25-ha agricultural landholding and retain a 40.5-ha agricultural landholding. The lands are accessed via St. Fillan's Road.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Agricultural Agric. with Dwelling	Agricultural Agricultural
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	38.25 ha 140 m 1380 m Municipal Road	40.5 ha 300 m 1380 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed Well Proposed Septic	None Proposed None Proposed
<b>Official Plan Designation</b> <b>-Conformity?</b>	Agriculture Yes	
<b>Zoning Category</b>	Agriculture	Agriculture
<b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	39.0-ha (short 0.75-ha) 60 m yes	39.0-ha Yes 60 m Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

limited residential development and other rural land uses.

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

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

### **2.1 Natural Heritage**

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

### **2.3 Agriculture**

Section 2.3.4.1 Lot creation in primate agricultural areas is discouraged and may only be permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.

### **3.1 Natural Hazards**

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

Official Plan – Section 4 General development Policies, Section 4.5 Division of Land, Section 6.1 Agriculture Policies, section 7.3 Local Roads, section 9.6 Subdivision of Land.

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

Zoning By-law - Section 3 General Provisions, section 10 Agriculture Zone

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

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

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

#### Township Planner's Report

The applicant discussed the severance proposal with the Planning Committee at the November 28th, 2011 meeting. The intent of the application is to separate a parcel that had been merged on title with an adjacent parcel.

The applicant has submitted a consent application to the County of Lanark for consideration. The County of Lanark is requesting comments on the application. A copy of the notice of application is attached to this report.

The County of Lanark received comments from Gibson LLP on behalf of property owners

Young and Morrison, who own the parcel immediately west of the subject property. These comments requested confirmation that the extension of St Fillan's road was considered to be an open public road. It is the opinion of the property owners that the severance should not be permitted if the extension of St Fillan's road was not considered to be an open public road.

It is Staff's understanding that the Township currently maintains the extension of St Fillan's road. Staff has further been advised that the Township does not require a by-law to declare the road as public. As such, there does not appear to be an issue with the proposed access for the severed lands.

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

1. That a paper copy of the registered reference plan be provided to the Township of Beckwith.
2. That the location of entrances will be determined in conjunction with the requirements and conditions of the Township of Beckwith Public Works Superintendent.

*Advisory Notes:*

1. *That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*

Conservation Authority – Mississippi Valley Conservation

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

## PROPOSAL

According to the information provided, the purpose of the subject application is to sever a vacant 38.25 ha parcel of agricultural land; and retain a 40.5-ha agricultural landholding.

## PROPERTY CHARACTERISTICS

According to a review of available mapping, the McCrae Ferguson Municipal Drain begins to drain from a small section of the proposed retained lands and continues to travel across the middle portion of the severed lands, into Lavallee Creek. Another small reach of this drain also appears to travel from the southeast corner of the proposed retained lands. In addition, the Willows Municipal Drain travels across the northeast corner of the proposed retained lands, and drains into the Mississippi River. Both drains are classified as intermittent and may comprise fish habitat. No other Natural Heritage Features or Natural Hazards were identified on the subject property.

## REVIEW

MVC is satisfied with the size of the resulting lots. The proposed severed and retained lands have sufficient area to accommodate new development in compliance with a minimum waterbody setback of 30 metres from the Municipal Drains.

## CONCLUSION AND RECOMMENDATIONS

With all of the above in consideration, MVC does not have any objection to the subject application provided that, future development complies with the zoning provisions; particularly with respect to the minimum waterbody setback from fish habitat and the retention of a shoreline vegetated buffer.

## NOTES

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 alterations to the shoreline of the Municipal Drains.

In addition, any proposed works in or near the Municipal Drains 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.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – The property to be severed is 38.25 hectares. It is currently used for agriculture. A house is proposed in addition to agricultural use. The property is comprised of fields and wooded areas and is intersected by a creek. The elevation varies. Standing water was observed at the southern end of the land. The property can accommodate a conventional Class 4 septic system. It may need to be partly or fully raised, depending on exact location. Clearance distance to creek must be adhered to.

Retained – The property to be retained is 40.5 hectares. It is currently used for agriculture and is intended to remain for that use. The property consists of fields and wooded areas. The elevation varies. Should a septic system be required in the future, a conventional Class 4 system could be accommodated.

### MTO Regional Director – Kingston

This is to advise that the Ministry has reviewed the above reference application and offers no objections as the lots are to be accessed via an existing municipal road, and as such, highway access will not be required.

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 38.25-ha vacant landholding and retain a 40.5-ha vacant landholding. The lands were originally separate lots and merged on title. The purchasers plan to construct a residential dwelling to and continue the agriculture operation.

The subject lands are located in an area characterized by agriculture on large landholdings along the westerly portion of St. Fillan's Road. A residential area, developed through plans of subdivision is located along Cemetery Side Road to the west

and St. Fillan's Cemetery is located to the west.

The lands are accessed via St. Fillan's Road which was extended by MTO to provide access to these lands which could no longer obtain access from Highway No. 7 following the expansion to 4-lanes.

Soils Inventory – Name: North Gower (section in centre of lot is muck – low lying)  
- Stoniness: none stony  
- CLI: 2 – moderate limitations for agriculture  
- Drainage: poor  
- Hydrogeology: high run-off

Bedrock Inventory – dolostone, sandstone

The area has considerable land masses mapped as 'woodlands', to the west and south, but not have been mapped on the lands to be severed. Woodland Development Policies have not been established by the Township of Beckwith.

The Provincial Policy Statements encourages the protection of prime agricultural areas for the long-term use for agriculture. The lands being severed are to continue under an agriculture operation (i.e. crops). Therefore the request falls under PPS Section 2.3.5.1.a and the applications can meet the consistent with test of the Provincial Policy Statement.

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

**(d) PUBLIC INPUT**

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

D. Kenneth Gibson – Jan 4, 2012

Further to your telephone advice and fax notice to this office, we write to confirm that we are solicitors for the owners (Wayne Young and Trevor Morrison) of property located on part of Lot 18, Concession 10, Township of Beckwith, which is immediately adjacent to the west of the property which is proposed to be severed in the above-noted application.

As I indicated by telephone message to you, our clients enquired as to the possibility of having access to the unopened road allowance which is an extension of St. Fillans Road, running off of Cemetery Side Road. This was necessary as our clients' property was landlocked as a result of the Ministry of Transportation expropriating the highway frontage and access from our clients' property to facilitate the construction of the new Highway 7. The sketch which you forwarded to my office shows the township road ending in front of the property proposed to be severed. However, our understanding was that although the road has been constructed, it was not dedicated as a public road. If you have information that confirms that it is an open public road, would you please advise us as to the basis for that opinion? We would assume that there must be a bylaw which has dedicated the newly constructed extension as part of the public road and therefore we would appreciate your confirming that prior to proceeding with the proposed severance.

In the event that the subject road has not been dedicated as public road, then it is our view that the severance would not be appropriate because there is no access to an open public highway, notwithstanding that there is access via a road which has been constructed on an unopened road allowance.

We are of the view that the municipality has an obligation to pass such a bylaw and although we have requested notice of the passage of such a bylaw, none has been forwarded to us. We would be pleased to support Mr. Olmstead's initiative to have the subject road dedicated by bylaw as a public road, and therefore facilitate the severance proposal. Until that happens, we are of the view that there is no jurisdiction in the Land Division Committee to grant consent to the proposed severance.

We appreciate your consideration.

*NOTE: Mr. Gibson was advised of the response from the Township regarding the road.*

(e) **MINUTES – February 27, 2012**

John Olmstead, applicant, attended the hearing and gave evidence under oath.

Mr. Olmstead confirmed that the MTO extended St. Filian's Road to the middle of the lot being considered for severance. This was an agreement in lieu of access that could no longer be obtained from the extension of Highway 7.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

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

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

#### **NOTES**

1. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *The Mississippi Valley Conservation advise 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 alterations to the shoreline of the Municipal Drains.*
3. *In addition, any proposed works in or near the Municipal Drains 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. *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.*
5. *The Leeds Grenville and Lanark District Health Unit advises that the septic system may need to be partly or fully raised, depending on exact location.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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



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

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Bill Neilson **Hearing Date:** February 27, 2012  
**Applicant:** Sacred Heart Cemetery  
**Agent:** Don Adam  
**LDC File #:** B11/175  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Village of Lanark **Lot:** 1 **Con 2 Plan** 320  
**Roll No.** 0940 936 010 27200 **Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 0.21-ha parcel of land as a lot addition to lands owned by Sacred Heart Cemetery and retain an 80.0-ha landholding with a golf course, clubhouse and maintenance sheds. The lands are accessed via Caldwell Street.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Golf Course Cemetery	Golf Course Golf Course
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	0.21 ha N/A 21.3 m Municipal Road	80 ha 840.18 m 1,036 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	N/A N/A	Private Well Private Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Commercial Recreational  n/a – lot addition	Commercial Recreational  1.0-ha Yes 60 m Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

Official Plan – Section 3 Growth and Settlement Policies, Section 3.6 Rural Policy Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 4.5.3 Township Roads, Section 10.11.13 Subdivisions, Consents and Part-Lot Control. The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan.

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

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

**(b) AGENCY REVIEW**

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

Township Planner's Report

An application has been received from the County of Lanark Land Division Committee for a lot addition. The property is legally described as Pt Lot I Concession 2, Plan 320 Village of Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a 0.21 ha parcel of land and add it to lands owned by Sacred Heart Cemetery. The retained parcel is an 80 ha landholding with a golf course, clubhouse and maintenance sheds. The lands are accessed by Caldwell Street.

The property is designated as Rural on Schedule 'A 5' of the Township's Official Plan and zoned Commercial Recreation on Schedule 'A 5' by Zoning By-law 2003-451.

**1.1 PROVINCIAL POLICY**

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

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved.

The proposal is to allow an expansion of an existing land use which is consistent with the PPS.

**1.2 OFFICIAL PLAN**

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, within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposal as submitted can achieve those directives.

### 1.3 ZONING

The proposal will if approved result in the expansion of the existing cemetery that will comply with Official Plan policies and is consistent with Provincial Policy. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law. However the existing cemetery enjoys legal non-conforming status and the commercial recreation zone does not allow a cemetery as a permitted use.

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

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

And that the following advisory notes be included;

1. That the land to be added to the existing cemetery not be used for cemetery purposes until the Township's Zoning By-law has been amended to reflect the existing use.
2. If the applicant wishes to use the subject lands prior to the Township's Zoning By-law being updated that they obtain planning approvals to allow for the expansion of the existing legal non-conforming use.

### (c) **PLANNING REVIEW**

The applicant proposes to sever 0.21-ha parcel of land as a lot additional to lands owned by Roman Catholic Church – Sacred Heart Church Lanark for cemetery purposes and retain an 80-ha landholding with an existing golf course, clubhouse and maintenance sheds.

The subject lands are located within the Village of Lanark, which contains a mixture of residential and commercial uses.

The proposed lands are to be accessed through the existing cemetery, which is accessed via Caldwell Street, a municipally maintained road.

The area has not been mapped as 'woodlands'. Woodland Development Policies have not been established by the Township of Lanark Highlands.

Care must be taken during the development of the site i.e. fencing site grading to ensure that proper care is taken should human remains be encountered. Should this occur, the developer will be required to immediately contact the both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.

The Provincial Policy Statements encourages the conservation of cultural heritage areas. The site will be used for future interment purposes. The severed lands meet the requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – February 27, 2012**

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:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by the Roman Catholic Church, Sacred Heart Cemetery described as Part Lot 1 Conc. 2, Plan 320 Village of Lanark, now in the Township of Lanark Highlands, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.

5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

### **NOTES**

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *That the land to be added to the existing cemetery not be used for cemetery purposes until the Township's Zoning By-law has been amended to reflect the existing use.*
3. *If the applicant wishes to use the subject lands prior to the Township's Zoning By-law being updated that they obtain planning approvals to allow for the expansion of the existing legal non-conforming use.*



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Norval Wilson **Hearing Date:** February 27, 2012  
**Agent:** N/A  
**LDC File #:** B11/181, B11/182 & B11/183  
**Municipality:** Township of Lanark Highlands  
**Geographic Township:** Lanark **Lot:** 18 **Con** 2  
**Roll No.** 0940 934 010 13910 **Consent Type:** Lot Additions

**Purpose and Effect:** To sever three lot additions (650 sq.m., 923 sq.m. and 438 sq.m.) and retain a 0.21-ha residential lot with an existing dwelling at 5537 Highway #511.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B11/181	B11/182	B11/183	
Existing Use	Vacant	Vacant	Vacant	Residential
Proposed Use	Vacant	Vacant	Vacant	Residential
Area	650 sq m	923 sq m	438 sq m	0.21 ha
Frontage	21.9 m	29.7 m	13.7 m	22.81 m
Depth	29.7 m	31.1 m	32 m	94 m
Road - Access to	N/A	N/A	N/A	County Road
Water Supply	N/A	N/A	N/A	
Sewage Disposal	N/A	N/A	N/A	
Official Plan Designation -Conformity?	Hamlet Yes			
Zoning Category	Hamlet		Hamlet	
-Area Required (min.)	n/a Lot Addition		0.21-ha	
-Compliance?			Existing	
-Frontage Required (min.)				
-Compliance?				

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

limited residential development and other rural land uses.

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

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

Official Plan – Section 3 Growth and Settlement, Section 3.5 Village and Hamlet Settlement Area Development Concept, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 4.5.3 Township Roads, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4 General Provisions, Section 9.0 Hamlet Zone.

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

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

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

Township of Lanark Highlands – Planner's Report

#### **1.0 Introduction**

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 18, Concession 2, former Township of Lanark now in the Township of Lanark Highlands and commonly referred to as 117 Stewart Gibson Rd.

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

#### **2.0 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.

Accordingly the application is consistent with this section of the PPS.

#### **3.0 Official Plan**

The subject lands are designated Hamlet Settlement Area on Schedule 'A 4' of the Township of Lanark Highlands Official Plan. The Hamlet Settlement area designation allows for low density development consisting of residences along the existing roadways. Section 10.11.13 B(19) of the Townships Official Plan states that " Consents will be



granted which have the effect of enlarging existing undersized lots.”

#### **4.0 Zoning**

The lands are zoned as Hamlet on Schedule “A 4” by Zoning By-law 2003-451. Section 4.23 subsection 6, Existing Undersized Lots allows that such lots may be used for the purpose permitted in the zone which it’s located, provided all other provisions of the By-Law are met. The lots subject to the proposed lot additions are developed lots.

#### **5.0 Discussion**

The proposal for the lot additions will not result in any new lot and will ensure that the newly reconfigured lots will have sufficient area to permit appropriate development.

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

1. An acceptable reference plan or legal description of the severed lands be submitted to the township.
2. That the applicant pays any outstanding fees to the Township prior to final approval.

#### **(c) PLANNING REVIEW**

The applicant proposes to sever three (3) lot additions as a condition of Consent Application B11/025.

The subject lands are located in an area characterized by Residential on typical ‘settlement area’ lots along Highway 511

the lands to be severed do not have any accessed, the lands to be enlarged access via Highway 511, 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.

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 – February 27, 2012**

Norval Wilson, owner, attended the hearing and gave evidence under oath.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

**B11/181**

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 to be severed are for the purpose of a lot addition only to the adjacent lands owned by Glenn Alexander Yuill and Gail Florence Yuill described as Part 1, Plan 26R-1330, being E Pt Lot 18 Conc. 2, geographic Township of Lanark, 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".
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee 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. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.

7. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #6 has been fulfilled to their satisfaction.

**B11/182**

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 to be severed are for the purpose of a lot addition only to the adjacent lands owned by Trinity United Church, E Pt Lot 18 Conc. 2, geographic Township of Lanark, 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".
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee 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. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #6 has been fulfilled to their satisfaction.

**B11/183**

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 to be severed are for the purpose of a lot addition only to the adjacent lands owned by Shirley Joyce Pretty, being E Pt Lot 18 Conc. 2, geographic Township of Lanark, 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”.

3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee 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. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #6 has been fulfilled to their satisfaction.



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Michel Joseph Carriere

**Hearing Date:** February 27, 2012

**Agent:** Tracy Zander, ZanderPlan Inc.

**LDC File #:** B11/125 & B11/126

**Municipality:** Town of Mississippi Mills

**Geographic Township:** Ramsay

**Lot:** 11      **Concession:** 4

**Roll No.** 0931      929 010 01414

**Consent Type:** 2 New Lots

**Purpose and Effect:** To sever two (2) residential building lots (3.20-ha and 2.7-ha) and retain a 2.5-ha lot with an existing residential dwelling at 2055 Old Perth Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/125	B11/126	
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Residence	Vacant Residence	Vacant Residence
<b>Area</b>	3.2 ha	2.7 ha	2.5 ha
<b>Frontage</b>	175.5 m	210.8 m	177 m
<b>Depth</b>	253 m	113 m	177 m
<b>Road - Access to</b>	Municipal Road	Municipal Road	Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed Well Proposed Septic	Proposed Well Proposed Septic	Private Well Private Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural and PSW Yes		
<b>Zoning Category</b>	Rural		Rural
<b>-Area Required (min.)</b>	1.0-ha		1.0-ha
<b>-Compliance?</b>	Yes		Yes
<b>-Frontage Required (min.)</b>	45 m		45 m
<b>-Compliance?</b>	Yes		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

limited residential development and other rural land uses.

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

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

### **2.1 Natural Heritage**

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

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

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

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

### **3.1 Natural Hazards**

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

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

The Town of Mississippi Mills advises that the proposal exceeds the maximum number of severance permitted In the Community Official Plan.

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

The Town of Mississippi Mills advises that the proposal complies with the zoning by-law regulations.

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

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

Town of Mississippi Mills – Planner's Report

Michel Carriere currently owns approximately 8.6ha (21.25ac) of rural land located at 2055 Old Perth Road, in the former Township of Ramsay in the Town of Mississippi Mills. The subject property currently has an approximate lot area of 8.6ha (21.25ac) with approximately 563.8m of road frontage.

In 1988 and 1990, Mr. Toop filed a consent application to create a new residential lot in the middle of the remnant parcel in order to create a total of three lots from the one parcel. In both situations, the Lanark Land Division Committee refused to grant the severance requests,

which were upheld at the Ontario Municipal Board. In 1992, the owner of the remnant parcel of land filed a severance request to add approximately 2.4ha (6.1ac) of land to the 50 acres abutting the subject property to the north. This request was granted and has been completed.

Mr. Carriere has now decided to re-file the consent applications. The intent of the application is to create two new rural residential lots from the existing rural lot. The consent applications will be summarized below. The land subject to the application currently supports a single family residential dwelling on private services.

All of the lands subject to the consent application are designated Rural and Wetland in the Official Plan. All of the lands are zoned "Rural (RU) Zone and Environmental Protection (EP) Zone."

#### Severance Application Summary

##### Lot Severance 1 – Consent Application B11/125

This application is to sever a 3.2ha (7.9ac) parcel of land from the existing rural residential lot to create a new rural residential lot. The proposed lots would have 175.5m (575.8ft) of frontage on to Old Perth Road.

##### Lot Severance 2 – Consent Application B11/126

This application is to sever a 2.7ha (6.7ac) parcel of land from the existing rural residential lot to create a second new rural residential lot. The proposed lots would have 210.8m (691.6ft) of frontage on to Old Perth Road.

#### Retained Lands

The retained Rural lands would support the existing residential dwelling and have an approximate lot area of 2.5ha (6.2ac) with an approximate lot frontage of 177m (580.7ft)

Community Official Plan: Section 3.3.6 of the Community Official Plan sets out the lot severance policies on lands that are locally designated Rural. The relevant policies are as follows:

The number of rural non-farm residential lots created by severance per land holding shall be limited to two lots created plus the remnant lot, except where otherwise specifically provided for in this Plan. A holding is defined as a parcel of land held in a conveyable ownership as of July 1, 1973 or an **original township lot**. Consents for a boundary adjustment, partial discharge of mortgage, easement or right-of-way shall not be considered toward the maximum number of consents per holding. A rural non-farm residential severance must be consistent with the following policies:

The permitted uses on a rural residential lot include a single dwelling, a home-based business, garden suite, bed and breakfast establishment and limited agricultural activities.

- (i) The access point of the driveway onto the public road must be located so that no safety hazards are created. A severance shall be permitted only where the centre of the driveway shall be 150 metres from immediate neighbouring

driveways on the same side of the road. Council may reduce the 150 metre requirement where soil conditions, topography, safety, sight lines or other sound planning considerations suggest that a lesser distance would be appropriate.

- (ii) There is a demonstrated capacity for the lot to support the proposed development on private services.
- (iii) The lot has frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Direct access onto a County Road or Provincial Highway shall be discouraged.
- (iv) Each lot must be at least one hectare. Council may require larger lots when site conditions warrant an increase in lot size. The minimum lot size shall not include lands within the "Flood Plain" designation.
- (v) The creation of non-farm lots adjacent to an active agricultural operation within the Rural designation shall ensure that there is an appropriate building envelope outside of the 30 metre setback from lands which are being utilized as part of an active agricultural operation.
- (vi) The placement of a rural residential severance must avoid having an adverse impact on significant landscape features, significant vegetation, wildlife habitats or other significant natural resources on the property.
- (vii) Council may permit two or more lots to share a single driveway where soil conditions, topography, safety, sight lines or other sound planning considerations suggest that such an arrangement would be beneficial.
- (viii) Residential uses (including accessory structures), private or communal wells and sewage disposal facilities, and access road shall not be permitted on **prime agricultural lands**, or where there are aggregate resources, wetlands, flood plains or significant habitat of endangered or **threatened species**. Where the development affects lands adjacent to **natural heritage features** or areas, the appropriate policies of this Plan shall be followed.

The Community Official Plan states that severances and lot creation are permitted on lands designated Rural, but are limited to two lots plus the retained lot. The intent of the application is to create two new rural residential building lots on the subject property. Historically, Mr. Fred Toop owned 200 acres of land divided into two land holdings as a result of Old Perth Road naturally dividing the property. The lands on the north side of Old Perth Road had an approximate land area of 42.8ha (106.2ac), which included the 25ac subject lands to this application.

Between the years 1980 and 1986, Mr. Toop successfully created four (4) new residential building lots from 42.8ha (106.2ac) on the north side of Old Perth Road, leaving a remnant parcel of approximately 10.8 ha (26.8ac). In 1992, approximately 2.4ha (6ac) were severed from the remnant parcel and added back to the 50ac parcel abutting the subject property to the north, thus creating the 8.3ha (20.7ac) parcel of land. It is this remnant parcel that is subject to the application. If these severances are permitted, it would allow for the creation of a total of seven lots on a particular land holding, which the Community Official Plan only permits a maximum of three, being two severances and a retained.

3. The lands subject to the application currently have a Rural and Wetland designation in the Community Official Plan. The Community Official Plan defines development as follows "the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act". With this in mind the policies of Section 3.1.2.1.1 must be considered with this application.



Development within 120 m of provincially significant wetlands or 50 m of a locally significant wetlands may take place in accordance with the land use designation shown on land use Schedules to this Plan only when it has been demonstrated through an Environmental Impact Assessment that there shall be no negative effects on the natural features or **ecological functions** of these wetlands. This is not a setback requirement, but rather a requirement for a review of development proposals within the relevant **adjacent lands**. The review of development may be carried out by the Committee of Adjustment where the determination of “minor” would be assessed based on the effects of the development on the natural features or ecological function of the wetland.

6. All development within 120 m of provincially significant wetlands or 50 m of a locally significant wetland shall be subject to site plan control.

As part of the application an Environmental Impact Statement was provided in support of the application due to its proximity of the provincially significant wetlands. David White’s report concluded that the building sites are more than 90m outside the provincially significant wetland complex and that leaving the forest intact between the wetland and building site and use of silt fences during construction, there should be no negative impact. Based on this he states that “there would seem to be little reason, from a life science perspective, that the two lots cannot be severed and sold to allow two new dwellings to be constructed at any of the suggested site”.

#### Zoning By-law 01-70:

The property subject to the application is zoned Rural and Environmental Protection zone.

The zoning provisions for lots in the Rural zone require a minimum lot area of 10 hectares if used for a rural use or 0.4 hectares (1 acre) if used for non-farm residential. The required minimum lot frontage for Rural property is 150 metres (492ft) or 45m (147.6ft) if used for non-farm residential. The lots being proposed have a minimum lot area of 2.5ha with a minimum lot frontage of 175.5m, all of which exceed by-law requirements.

Section 6.34 of zoning by-law 01-70, requires a minimum setback of 120m for any building or structure from any provincially significant wetland and prohibits any site alteration of the lands within 120 metres of the provincially significant wetland. While the proposed lots cannot meet that 120m setback or not alter the lands within the 120m setback, the applicant will require relief from the by-law on these matters.

#### Conclusion

While the applicant provided significant information supporting the application and is consistent with many of the severance policies of the municipality, the proposed severances will exceed the maximum number of severances permitted in the Community Official Plan. Therefore, it is staff’s recommendation not to support the proposed severance applications B11/125 and B11/126.

#### Town of Mississippi Mills – advises

That the Planning Development Committee not support the consent applications B11/125 and B11/126 for the severance of lands described as Part Lot 11 Concession 4, described as Parts 1, 2 and 3 on Reference Plan 26R-2689, Ramsay Ward, Town of

Mississippi Mills, municipally known as 2055 Old Perth Road.

Conservation Authority – Mississippi Valley Conservation – Oct 6, 2011

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural

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

#### PROPOSAL

According to the information provided, the purpose of the subject applications is to sever (2) vacant residential building lots. Severance BI 1/125 is proposed to be 3.2 ha in size; BI 1/126 is 2.7 ha; and the resulting retained land is 2.5 ha. The proposed retained land is already developed.

#### PROPERTY CHARACTERISTICS

As revealed by a review of available GIS mapping, a portion of two wetlands, which form part of the Wolf Grove Wetland Complex, are located on the subject property — one is the northwest corner of B11/125 and the other in the northern section of the retained lands. This wetland complex has been classified as Provincially Significant Wetland (PSW) by the Ministry of Natural Resources.

#### REVIEW

Natural Heritage - PSW

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development, including lot creation, 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. In order to address this requirement, an Environmental Impact Statement (EIS) was prepared by David J. White on behalf of the landowners.

MVC's Biologist has reviewed the EIS. This report outlined a proposed building envelope for severed parcel B 11/125 (referred to as Lot 1 in the EIS) at approximately 90 metres from the boundary of the PSW; and a proposed building envelope on B 11/126 (referred to as Lot 2 in the EIS) which is located beyond 120 metres of the PSW. MVC concurs with the findings of the EIS that no impacts to the PSW are anticipated. We also concur with the recommended mitigative measures for the severed lands, as outlined in the EIS summary (refer to the EIS for details).

With respect to the wetland located on the retained land, this property is already developed with no new development proposed at this time.

Natural Hazards - Organic Soils

Wetland was identified on the severed lot under B 11/125 as well as the retained lands. Wetlands inherently consist of organic soils which are considered a natural hazard. The poor drainage and unstable characteristics of wetlands makes them unsuitable for development. Therefore, development should be directed outside of these areas.

## CONCLUSIONS AND RECOMMENDATIONS

MVC does not have any objection to the subject applications provided the recommendations of the EIS are adhered to.

## ADDITIONAL

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

In addition, any proposed works in or near the wetlands 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. An assessment of Species at Risk was not conducted by MVC. However, we note that the EIS identified two Butternut trees on severed lot B 11/126; and it further indicated that these trees would not be impacted by development in the proposed building sites. We suggest contacting the author of the EIS and/or the Ministry of Natural Resources should you require additional information in this regard.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit  
Severed – B11/125 – A 3.2 hectare parcel of land with no existing buildings. Land is mainly wooded. Soil depth and drainage can vary. Additional sandy loam fill will be required in area of future tile bed.

Severed – B11/126 - A 2.7 hectare parcel of land with no existing buildings. Land is mainly wooded at front of parcel nearest the road. Land soil depth and drainage varies. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 2.5 hectare parcel of land with an existing house serviced by a well and septic system. Land is mainly wooded. Soil depth and drainage varies. Additional sandy loam fill will be required in area of future replacement tile bed.

Hydro One Networks – No comments were received.

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

## (c) **PLANNING REVIEW**

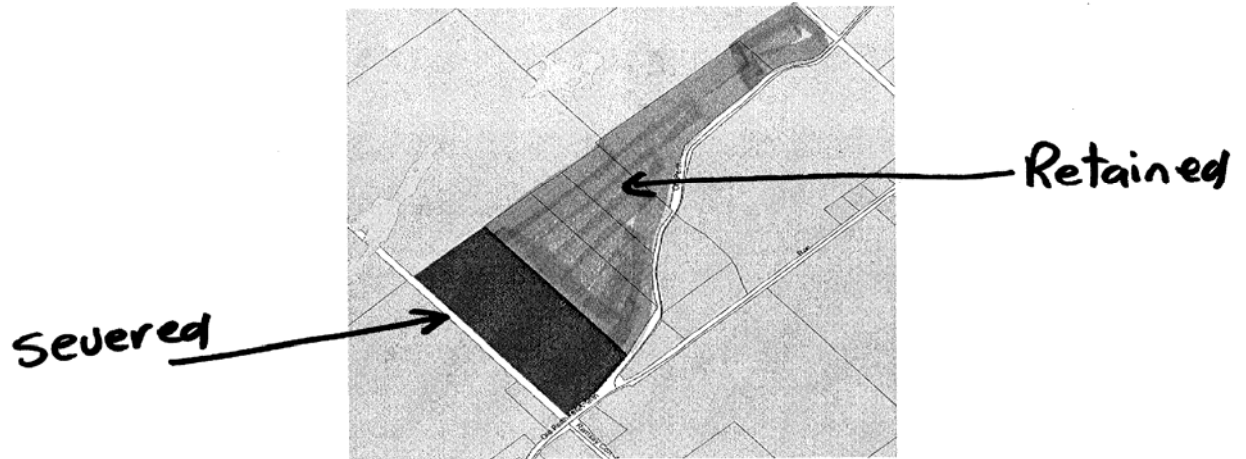
The applicant proposes to sever two (2) residential building lots – B11/125 3.2-ha vacant lot and B11/126 2.7-ha vacant lot) and 2.5-ha lot with an existing residential dwelling located at 2055 Old Perth Road.

Background Information – consent activity

Item 1 Application for Consent B1980/360 — created a new lot described as Pt 1 on Reference Plan 26R-1350.

①

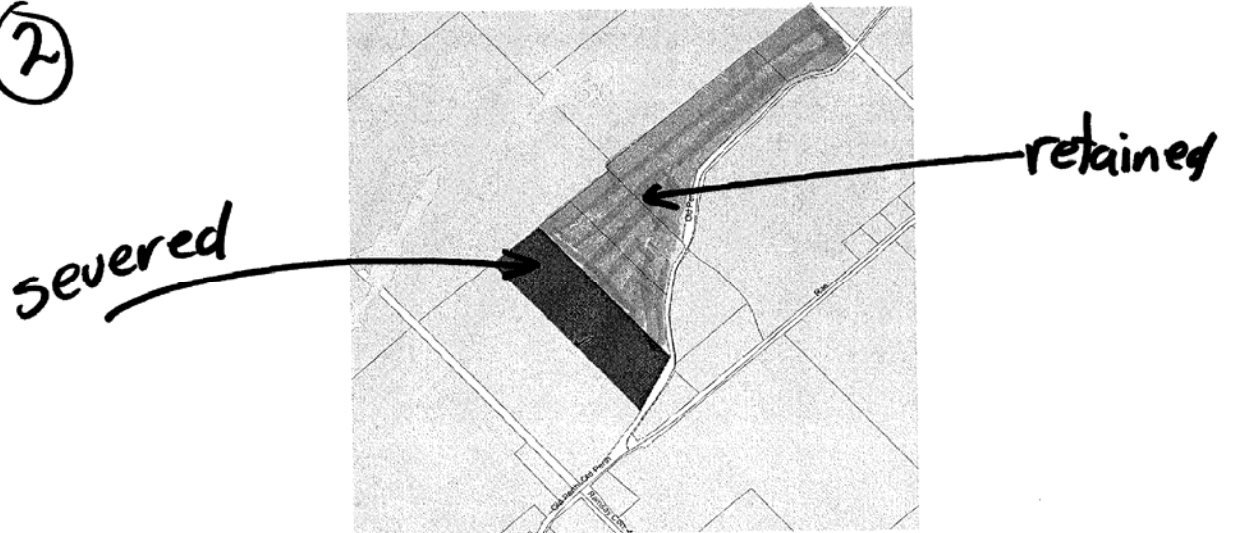
1980 B1980/360 Part 1 Plan 26R-1350 Roll No. 0931 929 010 01403



Item 2 Application for Consent B1981/099 — created new lot described as Pt 1 on Reference Plan 26R-1402.

1981 B1981/099 Part 1 Plan 26R-1402 Roll 0931 929 010 01404

②



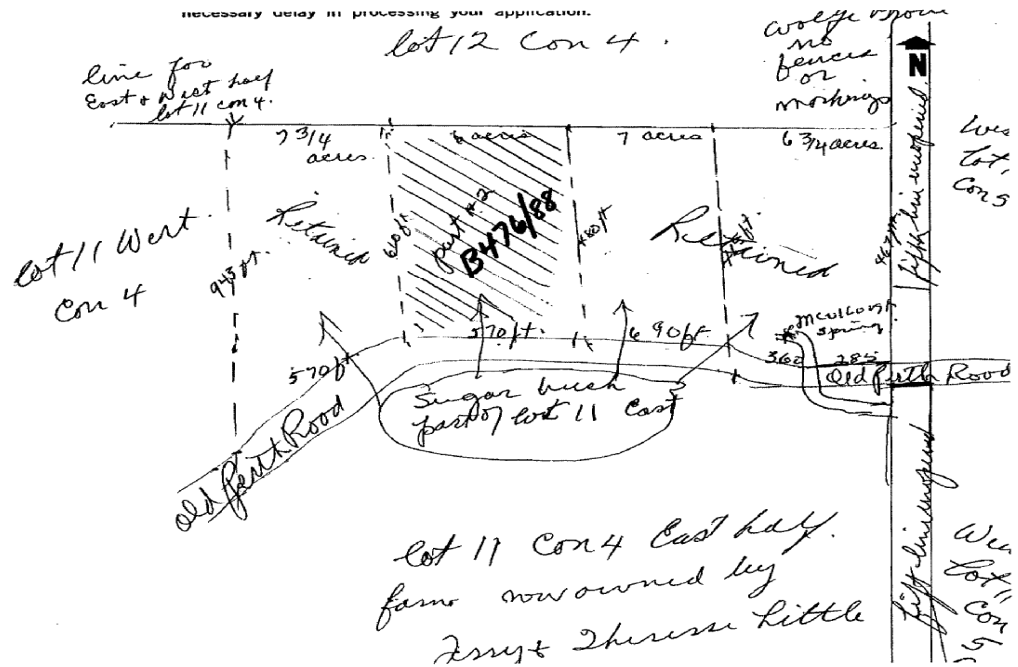
Item 3 Application for Consent B1986/036 — created new residential lot described as Pt 2 on Plan 26R-2209 this left two remnant parcels 1 described as Pt 1 on Plan 26R-2209 and the other a 25 acre parcel.



been divided through the consent process into five parcels of land. This current application would result in a total of seven residential lots being created.... Such development is contrary to the policies of the official plan”.

4

Sketch Attached to B1988/476 – Application Denied



NOTES to Decision to Application for Consent B476/88 Township of Ramsay — Concession 4, Lot 11 Fred and Irene Toop

The division of land proposed by this application is incompatible with the policies of the Official Plan for the Township of Ramsay and was not supported by the Township. The following section of the Official Plan refers:

4.2.3 Land Severance

Generally, the number of new lots created by consent per land holding will be two plus the one remaining part. A holding is defined as a parcel of land held by an individual July 1, 1973

If two severances have already been granted from the holding, additional severances may be considered by Council if it can be shown that a plan of subdivision is not required and that such development will not have a major detrimental impact upon the surrounding area or cause pollution problems. In this regard, the cumulative effect of development shall be carefully monitored.

The applicants' holding in this area has been divided through the consent process into five parcels of land. This current application would result in a total of seven residential lots being created in a strip along the Township's road; such development is contrary to the policies of the Official Plan. The applicant was made aware of the restrictive measures within the Official Plan prior to his direction to proceed with this application.

The basis of the Official Plan for the Township of Ramsay in Sections 3.1 and 3.6 assumes that “the scale of growth in the municipality will be sufficiently small and the policies relating to development of all land uses are sufficiently restrictive that the impact of new development will also be small and the Municipality will be able to adequately cope with such growth”. This has not been the case; the Township of Ramsay have for the past few years experienced a rapid rate of development. The Land Division Committee are aware of the demands which have been placed on the Township of Ramsay by the substantial number of residential lots created through the consent process; the Committee concur that development in the Township of Ramsay has not been at a modest rate and that the restrictive mechanisms within the Official Plan must be utilized to ensure that the financial impact of development is not excessive in relation to the taxable assessment. As directed by Section 4.3 of their Official Plan, the Council of the Township of Ramsay has reviewed the municipal costs for the provision of services which are attributed to severance activity. Through their reply to this application and to a number of other severance proposals, as well as through lengthy discussions with the Land Division Committee, Council have taken the position that Section 4.2.3 of the Official Plan, as quoted above, must be adhered to in order to control development within their municipality.

Therefore, having regard to the policies of the Official Plan and to control the rate of development within the municipality consent to Application B476/88 is denied.

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Item 5 Application for Consent B1990/321 — proposed to create 1 new lot with two remnant parcels — essentially the same as application B1988/476. Application was denied and appealed to the OMB. OMB upheld the Land Division Committees decision — “the Board finds that the application before it does not generally comply with the intent of the Official Plan nor is it in the public interest”.

Committee Meeting – July 30, 1990

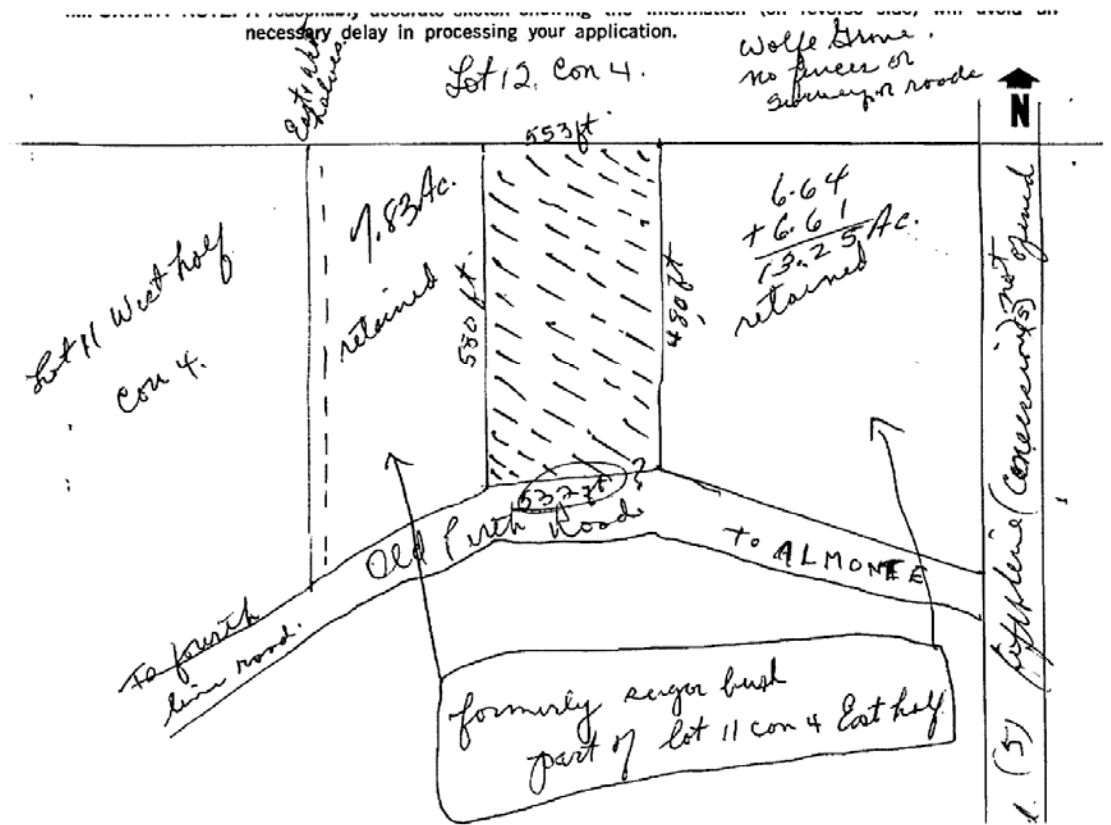
The Committee reviewed the residential development achieved by the applicant through the consent process. This holding is naturally divided by the Quarter Session Road (Perth Road); there have been 7 severed and 2 retained lots created in the southerly portion of the lot and 3 severed and 2 retained lots in the northerly portion. This current submission would result in three more parcels of land being created in the northerly portion.

The Secretary advised the Committee that the restrictive policies of the Official Plan were brought to the applicant’s attention before the application was processed; the applicant directed that the application proceed.

The Committee noted that the application indicates the subject lot is to provide for a retirement lot. The Committee are aware that the applicant’s farm was sold in the early 1980’s and that he did build a new home on one of his severed lots. The Committee agreed that consent to this application would be denied as the proposed division is incompatible with Section 4.2 of the Official Plan. The Committee observed that the subject property would lend itself to a plan of subdivision. The Committee’s decision will not be issued until the file is complete with reports to circulation from the Township and the Health Unit.

5

Sketch attached to Application B1990/321 – denied



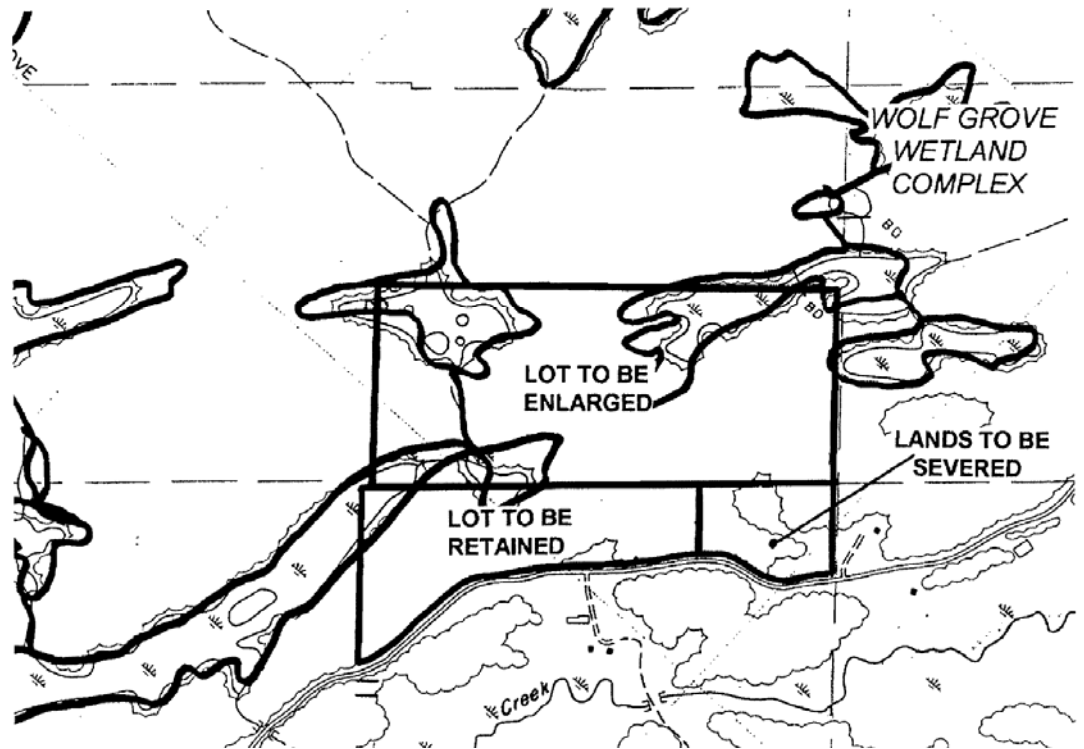
In the Board's decision, the then owner, Mr. Toop, confirmed that the original parcel of land was 200 acres, split by the Old Perth Road. The decision goes on to state "The application before the Board would produce, on the northerly portion of the original farm holding at July 1, 1973, a total of seven lots, three retained and four severed with the potential for further applications for severance. (Copy of OMB Decision attached)

Item 6 Application for Consent B2002/092 — lot addition to Pt Lot 12 Conc. 4 geographic Township of Ramsay — to provide access to an open and maintained municipal road, was approved.



(b)

Application B2002/092 – Lot addition



Current Applications— B11/125 and B11/126 is essentially the same as Item 4 and 5, except that the applicant is proposing two new lots with one retained lot. This landholding is the remnant lands resulting from Consent Application 81986/476.

Conclusion

I concur with the Town's findings that to date, the lands to the north of Old Permit Road, being Part Lot 11 Conc. 4, geographic Township of Ramsay has been successfully subdivided into a total of five lots (three severed and two retained) and therefore any subsequent division of land exceeds the maximum number of severances permitted by the Community Official Plan for Mississippi Mills.

The subject lands are located in an area characterized by Residential on a variety of lot sizes along Old Perth Road.

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

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – flows, tuffs, breccias

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

Due to the proximity of the Provincially Significant Wetland Complex, the applicant had an Environmental Impact Statement prepared by David J White. The EIS was reviewed by the Conservation Authority.

The EIS concluded that:

- Both suggested building sites on Lot 2 occur well outside the 120 m adjacent land area of the provincially significant Wolf Grove Wetland Complex. By leaving the forest intact between the wetland and the building site and by using siltation fences during construction, there should be no negative impact on the PSW.
- The suggested building site on Lot 1 occurs more than 90 m from the provincially significant Wolf Grove Wetland Complex. The drainage from the suggested building site flows away from the PSW toward the road. By leaving the forest intact between the wetland and the building site and by using siltation fences during construction, there should be no negative impact on the PSW.
- The three suggested building sites occur in relatively level areas with few older trees. These sites should be the least environmentally disruptive locations on which to build on the new lots.

"There would seem to be little reason, from a life science perspective, that the two lots cannot be severed and sold to allow two new dwellings to be constructed at any of the suggested sites as described above".

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.

There were no objections raised by any of the agencies which were circulated regarding this proposal, however the Town of Mississippi Mills does not support the applications. In light of the foregoing, this office is **not satisfied** that the applicant's proposal maintains the general intent and purpose of the PPS or the Community Official Plan for the Town of Mississippi Mills and should be denied.

**(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 – February 27, 2012**

Michel Carriere, owner, Tracy Zander and Kelly Rhodenizer, agents, attended the hearing and gave evidence under oath.

Ms. Zander advised that the original title search indicated that the east and west halves of Lot 11 Conc. 4 Ramsay was separate landholdings, however through a second title search, it was concluded that the original landholding was then entire lands within Lot 11 Conc. 4 Ramsay, lying north of the Old Perth Road

The chair reviewed the staff report.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS REFUSED

- 1/ approval of these proposals would not conform to the intent of the severance policies Section 3.3.6 of the Community Official Plan for the Town of Mississippi Mills.



limited residential development and other rural land uses.

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

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

### **2.1 Natural Heritage**

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

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

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

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

### **2.2 Water**

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

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

### **2.6 Cultural Heritage and Archaeology**

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

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

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

### **3.1 Natural Hazards**

Section 3.1.1 Development shall generally be directed to areas outside of: (b) hazardous

lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan – Section 3.0 Growth and Settlement, Section 3.5 Village and Hamlet Settlement Area Section 4.0, Section 4.2 Water Supply and Sewage Disposal, Section 4.5.4 Private Roads, Section 8.0 Natural and Human Made Hazards, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

Zoning By-law - Section 4.0 General Provisions, Section 7.0 Residential Low Density. The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

Township of Lanark Highlands – Planner’s Report

**1.0 Review of Proposal and Application**

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

The applicant wishes to sever two residential building lots (1.61 ha & 1.4 ha) and retain a 10.7 ha vacant landholding. The 1.4 ha lot has an existing dwelling and is accessed from Heron Lane. The 1.61 ha lot will also be accessed from Heron Lane.

The property is designated as Residential on Schedule ‘A 5’ of the Township’s Official Plan and zoned Residential Low Density on Schedule ‘A 5’ by Zoning By-law 2003-451.

**1.1 PROVINCIAL POLICY**

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

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

**1.2 OFFICIAL PLAN**

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

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and

depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposal as submitted can achieve those directives.

### **1.3 ZONING**

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

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

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

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.
5. The applicant shall obtain a Civic Address Number from the Township. The applicant shall consult directly with the Township in this regard.

### Conservation Authority – Mississippi Valley Conservation

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

### **PROPOSAL**

It is our understanding that the purpose of the subject applications is to sever two lots. According to the sketch provided with the application, severed lot BI 1/143 (Lot 2) is 1.61 ha and is currently vacant with approximately 99 metres of water frontage. Severed lot B 11/144 (Lot 1) is 1.4 ha with approximately 74 metres of water frontage, with an existing dwelling and outbuildings. The proposed retained land is a vacant 10.7-ha parcel of land with water frontage in excess of that required in the township's zoning by-law.

### **PROPERTY CHARACTERISTICS**

As revealed by a review of available GIS mapping, the proposed severed and retained

land all have frontage on the Clyde River. In addition, unclassified wetland, which is contiguous with the river, exists to varying depths along the entire waterfront. No other natural heritage features or natural hazards were identified on the subject property. Flood plain mapping does not currently exist for this section of the Clyde River.

#### REVIEW - Natural Heritage Values

##### Clyde River & Unclassified Wetland

Sufficient area appears to exist on the proposed severed and retained lands to accommodate potential future development that complies with the current standards for development adjacent to a watercourse and wetland.

##### Natural Hazards - Organic Soils

Wetlands inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Sufficient area appears to exist on the resulting lots for development outside of these poorly drained areas.

#### RECOMMENDATIONS AND CONCLUSIONS

With the above in consideration, MVC has no objection to the subject applications provided the following mitigative measures are implemented, in the form of a development agreement or site plan control agreement, on the proposed retained lands and severed Lot 2.

1. Any new buildings or structures, including a septic system, shall be setback the greater of the following:
  - 30 metres from the high water mark of the Clyde River or
  - 30 metres from the boundary of the wetland associated with the river.
2. Given the presence of wetland along the waterfront, we recommend minimal disturbance of the vegetation in this area to access the shoreline. Prior to any clearing for water access, MVC shall be consulted to ensure that access is achieved in a manner that results in minimal impact to the wetland and shoreline.
3. With the exception of water access as agreed upon in (2.) above, the existing vegetated buffer along the shoreline of the river and wetland shall be maintained to a minimum depth of 15 metres. The wetland and river shall otherwise remain undisturbed.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, river or onto adjacent properties. Severed Lot 1 is already developed with no new development proposed at this time. However, we recommend that the existing vegetated buffer along the shoreline of the river and wetland be maintained to a minimum depth of 15 metres on this parcel.

#### NOTES

There is no regulated flood plain on the subject property. Therefore, development activities above the high water mark of the river are not currently regulated by MVC on the subject lot. However, pursuant to Ontario Regulation 153/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourse*, we advise that written permission is required from MVC prior to any alterations to the shoreline of the Clyde River.

In addition, the property owner should be advised that, in accordance with MVC's Level II



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

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed – B11/143 – A 1.4 ha parcel of land with an existing house services with a septic system and well. Land is combination of groomed lawn and woods.

Severed – B11/144 – A 1.61 hectare parcel of land with no existing buildings. Land is combination of well drained wooded lands and low areas of swamp/wetlands. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 12.31 hectare parcel of land with an existing house serviced by a well and septic system. Land is undulating and has wooded areas as well as open field.

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 new lots – a 1.61-ha residential building lot and a 1.4-ha residential lot with an existing dwelling (145 Heron Drive) and retain a 10.7-ha landholding, together with a r-o-w over the private road locally known as “Heron Drive”.

The subject lands are located in an area characterized by Seasonal Residential and Residential on smaller type lots along the shore of the Clyde River. The Village of Lanark is located to the west.

The proposed lots are accessed via Heron Drive, a private right of way which adjoins Rosetta Road, a municipally maintained road.

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

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

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the

proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(d) **PUBLIC INPUT**

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

Mary Kirkham

Ernest McDougall  
126 Heron Dr.  
Lanark Ont  
K0G 1K0

I, Ernest McDougall have a few questions for the hearing meeting for File No: B11/143 and B11/144 "James and Debra Caldwell"

could I be notified of public meeting

Ernest McDougall  
613-259-2205

Ernest McDougall  
613-259-2205

Dec 13/11

I am concerned that they don't have a private road agreement/deed. Ernie

(e) **MINUTES – February 27, 2012**

James Caldwell, applicant, Tracy Zander and Kelly Rhodenizer, agents and Ernie McDougall, adjacent landowner, attended the hearing and gave evidence under oath.

Mr. McDougall expressed concerns that a fence had been constructed on the r-o-w giving access to his property.

Mr. Caldwell advised that the R-O-W has been surveyed and that the fence was constructed on the lot line of the R-O-W. Mr. Caldwell also advised that he has approached the other users of the R-O-W to form a road maintenance committee.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS: The same conditions apply to both severances**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way shall be granted to the owners of the lot to be severed over Parts 3 and 4 on Plan 26R-121, Part 2 on Plan 26R-219 and Part 6 on Plan 26R-2887.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).

8. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands for the retained lands and severed Lot B11/143. 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 November 7, 2011, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
10. A letter shall be received from Mississippi Valley Conservation stating that condition #9 has been fulfilled to their satisfaction.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
3. *All efforts should be made to develop a road maintenance agreement for the R-O-W providing access to these lots and the existing lots having access over the R-O-W locally known as Herron Drive.*
4. *The applicant is advised that a fee of \$135.00 is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
5. *The Mississippi Valley Conservation advises that there is no regulated flood plain on the subject property. Therefore, development activities above the high water mark of the river are not currently regulated by MVC on the subject lot. However, pursuant to Ontario Regulation 153/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourse, we advise that written permission is required from MVC prior to any alterations to the shoreline of the Clyde River.*
6. *In addition, the property owner should be advised that, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the wetland or river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
7. *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.*

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

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

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

**Additional Note for B11/144**

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



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Leonard & Irene Murphy

**Hearing Date:** February 27, 2012

**Agent:** ZanderPlan Inc.

**LDC File #:** B11/148 & B11/149

**Municipality:** Township of Lanark Highlands

**Geographic Township:** Darling

**Lot: 1 Con 8**

**Roll No.** 0940 944 015 24100

**Consent Type:** 2 New lots

**Purpose and Effect:** To sever a two (2) residential building lots - 1.0-ha with access via 9<sup>th</sup> Con Darling and 1.1-ha with access via Tatlock Road and retain a 111-ha landholding with an existing residential dwelling, barns and outbuildings at 4690 Tatlock Road.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B11/148	B11/149	
<b>Existing Use</b>	Vacant	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential	Residential
<b>Area</b>	1.0 ha	1.1 ha	111 ha
<b>Frontage</b>	64 m	170 m	890 m
<b>Depth</b>	165 m	64 m	irregular
<b>Road - Access to</b>	Municipal Road	County Road	County Road
<b>Water Supply</b>	Proposed Well	Proposed Well	Private Well
<b>Sewage Disposal</b>	Proposed Septic	Proposed Septic	Private Septic
<b>Official Plan Designation</b>	Rural		
<b>-Conformity?</b>	Yes		
<b>Zoning Category</b>	Rural		Rural
<b>-Area Required (min.)</b>	1.0-ha		1.0-ha
<b>-Compliance?</b>	Yes		Yes
<b>-Frontage Required (min.)</b>	60 m		60 m
<b>-Compliance?</b>	Yes		Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

limited residential development and other rural land uses.

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

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

## **2.1 Natural Heritage**

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

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

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

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

Official Plan – Section 3 Growth and Settlement Policies, Section 3.6 Rural Policy Area Section 4.2 Water Supply and Sewage Disposal, Section 4.5.2 County Roads, Section 4.5.3 Township Roads, Section 6.5 Natural Heritage Features, Section 10.11.13 Subdivisions, Consents and Part-Lot Control.

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

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

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

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

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

#### Township Planner's Report

An application has been received from the County of Lanark Land Division Committee for the creation of two new lots. The property is legally described as Pt Lot I Concession 8, geographic Township Darling, now in the Township of Lanark Highlands.

The applicant wishes to sever two 1.0 ha residential building lots and retain a 111 ha landholding with an existing dwelling, barns and outbuildings at 4690 Tatlock Road. 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.

### **1.1 PROVINCIAL POLICY**

As part of the province's long term commitment to economic prosperity and social well

being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the “consistent with” test.

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

## 1.2 OFFICIAL PLAN

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, within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposal as submitted can achieve those directives.

## 1.3 ZONING

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

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

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

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

## Conservation Authority – Mississippi Valley Conservation

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



evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

#### PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (2) vacant lots: Lot 1 (Bi 1/148) is 1.0 ha lot while Lot 2 (BI 1/149) is 1.1 ha lot. The retained land is a 111-ha landholding with an existing residence and outbuildings.

#### PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the proposed severed and retained lands are entirely located within an area identified by the Ministry of Natural Resources as a significant deer wintering area referred to as the Tatlock Deer Yard. No other natural heritage features or natural hazards were identified.

#### REVIEW - Deer Yard

The Provincial Policy Statement (PPS) requires that new development and site alterations, including the creation of new lots within significant wildlife habitat, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. This is generally assessed through an Environmental Impact Statement (EIS).

The deer yard identified on the subject land is considered significant wildlife habitat. Therefore, in order to address the aforementioned policy, the landowners completed a simplified Environmental impact Statement (EIS). MVC's Biologist reviewed the completed EIS and has concluded that the subject applications "would not result in the degradation of habitat that would negatively impact upon the health and integrity of the natural features and the ecological functions of the Tatlock Deer Yard."

#### RECOMMENDATIONS AND CONCLUSIONS

With the above in consideration, MVC does not have any objections to the subject applications.

#### NOTES

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

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

Severed – B11/148 – Wooded lot with rock outcrops. Topsoil 0-0.6 metres clay-loam. Fair drainage. Lot is adequate in size for on-site sewage disposal. Imported sandy-loam leaching bed fill will be required to construct a conventional septic system.

Severed – B11/149 - Wooded lot with rock outcrops. Clay loam soil at varying depths from 0-0.6 metres. Lot slopes down at the east side to a low wet area with poor drainage. The eastern end of the lot is unsuitable for on-site sewage disposal. Imported sandy loam leaching bed fill will be required to construct a conventional system on the west side.

Retained – Drainage good, large lot with a farm and wooded areas. Clay loam soil of varying depths. No signs of failure from existing on-site sewage system. Large lot with plenty of room for a replacement system if ever required.

#### County Roads Department (Application **B11/149** only)

Lands to be severed have an approved entrance location, Permit #2352. Full entrance

application must be submitted and entrance installed prior to deed endorsement. Retained lands have an existing approved entrance, Permit #2371.

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

“In Preparation” Transfer documents are to be submitted to the Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor’s certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title.

The County of Lanark Construction Supervisor shall be consulted prior to commencing a survey to determine the amount of road widening required. The reference plan describing the road widening must be approved by the Lanark County Public Works Department prior to registration. Following registration one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever two residential building lots (1.0-ha and 1.1-ha) and retain a 111-ha landholding with an existing dwelling (4690 Tatlock Road) barn and outbuildings.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with typical sized residential lots along Tatlock Road and 9<sup>th</sup> Con Darling.

B11/148 is proposed to be accessed via 9<sup>th</sup> Line Darling, a municipally maintained road and B11/149 is proposed to be accessed via Tatlock Road, a county maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-cilicate

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

A livestock operation is located on the retained lands therefore the applicant prepared a Minimum Distance Separation Calculation. The required minimum setback is 236 m, while the actual setback is 590 metres from the closest propped lot line. If approved a note should be included on the deed that the lands are in proximately of an agricultural operation.

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

The landowners completed a simplified Environmental impact Statement (EIS) which was reviewed by MVC's Biologist who concluded that there would be no impact on the deer habitat. However a notes should be included in the provisional conditions (if approved) to advise future purchasers of the existence of the wintering area.

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

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – February 27, 2012**

Tracy Zander and Kelly Rhodenizer, agents attended the hearing and gave evidence under oath.

Ms. Zander provided background information on the application.

The chair reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

**CONDITIONS:**

**B11/148**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee 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. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.

10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. 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 Leeds Grenville and Lanark District Health Unit advises that Imported sandy-loam leaching bed fill will be required to construct a conventional septic system.*
2. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
3. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
4. *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.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

**B11/149**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
3. The applicant shall provide the Secretary-Treasurer of the Land Division Committee 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. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. 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.
11. 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.
12. 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.

13. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 through #12 has been fulfilled to their satisfaction.
14. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #9 has been fulfilled to their satisfaction.

### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that the eastern end of the lot is unsuitable for on-site sewage disposal. Imported sandy loam leaching bed fill will be required to construct a conventional system on the west side.*
2. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
3. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
4. *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.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

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

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





**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Joseph and Sherry Burke **Hearing Date:** February 27, 2012  
**Agent:** Tracy Zander, ZanderPlan Inc.  
**LDC File #:** B11/160  
**Municipality:** Tay Valley Township  
**Geographic Township:** North Burgess **Lot:** 15 **Con** 10  
**Roll No.** 0911 911 010 35900 **Consent Type:** New Lot

**Purpose and Effect:** To sever a 1.0-ha residential lot with an existing dwelling at 869 Upper Scotch Line and retain a 39.5-ha landholding with existing sheds.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Residential Residential	Rural Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	1 ha 60 m 167 m Municipal Road	39.5 ha 205 m 1524 m Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Private Well Private Septic	Proposed Well Proposed Septic
<b>Official Plan Designation</b> <b>-Conformity?</b>	Rural Yes	
<b>Zoning Category</b>  <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Rural  1.0-ha Yes 60 m Yes	Rural  1.0-ha Yes 60 m Yes

**(a) APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

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

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

limited residential development and other rural land uses.

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

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

### **2.1 Natural Heritage**

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

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

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

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

### **2.2 Water**

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

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

### **3.1 Natural Hazards**

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

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

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

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

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

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

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

### Township Planner's Report

The Proposal is to sever a 1.0-ha residential lot with an existing dwelling at 869 Upper Scotch Line and retain a 39.5-ha lot with an existing shed.

The proposed residential use for the retained lands is permitted. The existing dwelling on the proposed severed parcel will comply with the zoning provisions. Lot area is met for both the proposed severed and retained lot (1ha and 39.5ha respectively). Both the proposed severed and retained lots meet the minimum road frontage requirements.

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

- Payment of all taxes owing
- Payment of all cost incurred by the Township for review
- Copy of Deed/transfer
- 1 copy of the reference plan
- Parkland contribution of \$100

### Conservation Authority – Rideau Valley Conservation Authority

The subject application has been reviewed by the Rideau Valley Conservation Authority within the context of Section 2.1 (Natural Heritage) and Section 3.1 (Natural Hazards) of the Provincial Policy under Section 3 of the Planning Act as well as regards fish habitat protection through our delegation from the Department of Fisheries and Oceans, Section 35 of the Federal Fisheries Act.

We have the following comments for the Committee's assistance:

These applications seek the creation a new lot of 1 ha in size with a 39.5 ha remnant parcel.

A portion of the property is contained within the floodplain of the Tay River and therefore subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act and administered by the Rideau Valley Conservation Authority. In accordance with this regulation, disturbance, development and structures with the exception of potential waterfront access, must be situated outside flood and fill regulated area as delineated by our flood plain mapping schedule, attached. Generally, the Rideau Valley Conservation Authority would not support development within the regulated area.

Alterations to the watercourses known as the Snye and Grant's Creek also require that prior written approval be obtained from the Rideau Valley Conservation Authority. The RVCA would support redesignation of the flood plain area regulated under O.R. 174—06 and wetland on these lands. As we understand, the Township will be undertaking an Official Plan review in the next year to 18 months, this would be an acceptable time to address this consideration.

The Rideau Valley Conservation Authority does not object to this consent application provided the noted considerations 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.

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

A site visit was conducted at the above mentioned property by our office on November 2, 2011, to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC).

The applicant proposes to sever approximately a 1.0 hectare parcel, with approximately 60m of road frontage. The purpose of the consent, as identified by the applicant, is to create a new lot. The proposed lot is currently developed with a dwelling and existing septic system. There is no septic permit available. The property owner has provided the MRSSO with a site sketch indicating the septic system was installed October 28, 1966. The property owner confirmed that all waste water is directed to the septic system.

The retained parcel is approximately 39.5 hectares in area. There are two “sheds” located on the retained parcel approximately 50m from Scotts Snye, as shown on CGIS. The parcel has areas of dense forest and open lands with a creek crossing the centre of the property and a large pond at the rear of the property.

The severance will not interfere with the existing septic system on the severed parcel or limit the ability to operate, maintain or replace the system in the future. The retained parcel is of sufficient area and topography to install, maintain and operate a Class 4 septic system with a minimum setback of 30m from all water features. Given the above information, our office has no objections to the severance as proposed.

A Septic Permit is required prior to the issuance of most Building Permits.

Hydro One Networks – As per our phone conversation earlier today Hydro One would like to ensure that there is an easement secured on the retained parcel of land as there is a hydro line there which services both the retained parcel of land as well as the severed piece. Prior to the final approval of the severance Hydro One would like to review the easement documents ensure that our interests are covered.

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

**(c) PLANNING REVIEW**

The applicant proposes to sever a 1.0-ha residential lot with an existing dwelling located at 869 Upper Scotch Line Road and retain a 39.5-ha vacant landholding with an existing storage shed. The applicant proposed to construct a dwelling on the retained lands.

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

The lands are accessed via Upper Scotch Line Road, a municipally maintained road.

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – granodiorite, granite

A livestock operation is located on the adjacent lands therefore the applicant prepared a Minimum Distance Separation Calculation. The required minimum setback is 183 m, while the actual setback is approximately 190 metres from the closest property lot line. If approved a note should be included on the deed that the lands are in proximately of an agricultural operation.

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

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

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

**(d) PUBLIC INPUT**

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

**(e) MINUTES – February 27, 2012**

Tracy Zander and Kelly Rhodenizer, agents attended the hearing and gave evidence under oath.

Ms. Zander provided background information on the application.

The chair reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

## **CONDITIONS:**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The applicant shall provide Hydro One Networks with an easement for the existing services. The applicant shall consult directly with Hydro One Networks (Perth Service Centre) in this regard.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
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 a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
9. 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).
10. A letter shall be received from Hydro One Networks stating that condition #4 has been fulfilled to their satisfaction.
11. A letter shall be received from Tay Valley Township stating that condition #5 through #9 has been fulfilled to their satisfaction.

## **NOTES**

1. *Rideau Valley Conservation Authority advises that a portion of the property is contained within the floodplain of the Tay River and therefore subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act and administered by the Rideau Valley Conservation Authority. In accordance with this regulation, disturbance, development and structures with the*

*exception of potential waterfront access, must be situated outside flood and fill regulated area as delineated by our flood plain mapping schedule. Generally, the Rideau Valley Conservation Authority would not support development within the regulated area.*

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