



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, April 29, 2013 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2013-015

MOVED BY: D. Murphy
SECONDED BY: W. Guthrie

“THAT, the minutes of the Land Division Committee meeting held on April 9 2013, be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2013-016

MOVED BY: W. Guthrie
SECONDED BY: D. Murphy

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

None

7. REPORTS

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

7.1.1 B12/154 – Arthur and Marsha McNaughton - New Lot

Pt. Lot 13 Conc. 9 geographic Township of Drummond, now in the Township of Drummond North Elmsley. Drummond Con 10A

7.1.2 B13/002 – Monika Fleischer and Gilles Charlebois – Lot Addition / R-O-W - Pt. Lot 6 Conc. 8, geographic Township of Lavant, now in the Township of Lanark Highlands. Lavant Mill Road.

7.1.3 B13/003 – Elizabeth Gibson – Lot Addition

Pt Lot 12 Conc. 8, Township of Beckwith. 9th Line Beckwith.

7.1.4 B13/004, B13/005 and B13/006 – Acorn Envirocon – 2 New Lots & Lot Addition.

Pt. Lot 3 Conc. 6, geographic Township of Lanark, now in the Township of Lanark Highlands. Lanark Con 6A

7.1.5 B13/007 & B13/008 – Maurice Moss, Stephen Moss and Dorothy Moss. – 2 New Lots

Pt. Lot 26 Conc. 1 Township of Montague. McGuire Road.

7.1.6 B13/010 – Hubert Gary Ennis – New Lot

Pt. Lot 11/12 Conc. 10, geographic Township of Bathurst, now in Tay Valley Township. Ennis Road.

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 B12/161, B12/162 and B12/163 – Regan Lee – Three New Lots

Pt. Lot 29 Conc. 9, Township of Montague. (McGuire Road)

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 B12/154 – Arthur and Marsha McNaughton - New Lot

10.1.2 B12/161, B12/162 and B12/163 – Regan Lee – Three New Lots

10.1.3 B13/003 – Elizabeth Gibson – Lot Addition

10.1.4 B13/004, B13/005 and B13/006 – Acorn Envirocon – 2 New Lots & Lot Addition

10.1.5 B13/007 & B13/008 – Maurice Moss, Stephen Moss and Dorothy Moss. – 2 New Lots

10.1.6 B13/010 – Hubert Gary Ennis – New Lot

10.1.7 B13/002 – Monika Fleischer and Gilles Charlebois – Lot Addition/R-O-W

11. UPCOMING MEETINGS

Friday May 24, 2013 @9:00 a.m.

Monday, June 24, 2013 @9:00 a.m.

Monday August 26, 2013 @ 9:00 a.m.

Monday September 23, 2013 @ 9:00 a.m.

Monday October 28, 2013 @ 9:00 a.m.

Monday, November 25, 2013 @ 9:00 a.m. and

Monday, December 16, 2013 @ 9:00 a.m.

12. ADJOURNMENT – 11:05 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**

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.

County Official Plan - under review by MMAH.

Official Plan – section 3 General Provisions, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

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

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

(b) AGENCY REVIEW

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

Township of Drummond/North Elmsley – Planner's Report

Please be advised that I have reviewed the above noted severance application and have determined that the proposed severance is generally consistent with the Township's Official Plan and Zoning By-law. It is my understanding that the applicants seek to sever a 0.41 hectare (1 acre) residential building lot from the northern end of their 18 hectare landholding. The retained lands are vacant, with the exception of a few outbuildings and consist of woods and pasture. Both the severed and retained lands have frontage on Drummond Concession 10A, a Township owned road. It should be noted that the original McNaughton landholding (as it existed prior to 1979) was much larger and extended south to the 9th Concession, with frontage also on Baptist Church Sideroad. In the 1990's, five lots of varying sizes were severed from the McNaughton property along the Concession 9 and Baptist Church Sideroad frontages. The Township's Official Plan allows a general maximum of three severances from a property as it existed in 1979 however for large properties with frontage on more than one road, additional severances can be considered if the distance between lots is great enough that development along each frontage could be considered on its own merit. With respect to this application, this is the first severance from this lot of record that fronts on Concession 10A and the proposed lot is located about 730 metres from the nearest other severance from the lot of record. As such I believe that the this policy would enable this application to be considered.

The entire lands are designated Rural in the Township's Official Plan and the intent of the Rural designation is to "protect traditional rural activities such as agriculture and forestry, and to permit a broad range of other uses which are appropriate in a rural setting", which include limited residential development that does not impact on the rural character of the area. This application complies with these policies and is consistent with the predominant low density residential character of the area. The proposed severance will not substantially affect the usability of the retained lands. As part of this evaluation I reviewed the Township's constraints mapping and noted that a small sliver of potentially

significant woodland is identified on the severed lands, in addition to a much larger area of woodland on the other side of Drummond Conc. 10A. Other potentially significant woodland and wetland influence areas have been identified on the retained lands however these have no impact on this application. Prior to deeming this application "complete" I visited the site and determined that the woodlands do not meet the definition of significant due to their small size as well as the lack of interior habitat (noting the existing density of residential development in the area). I further note that the applicant has provided an MDS calculation in support of this application for a nearby livestock facility that indicates an adequate separation distance. With regards to servicing, while the Official Plan provides the option, it is noted that Mississippi Valley Conservation advises that additional technical studies should not be required in support of this application.

The proposed severed and retained lots both comply with the provisions of the Rural Zone.

Given the foregoing, Drummond/North Elmsley Township supports the above severance provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

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

Conservation Authority – Mississippi Valley Conservation

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 0.4 ha lot and retain a 17.1 ha landholding with an existing outbuilding.

We understand that there were (5) previous severances on this landholding (as it existed since 1979). Four of these lots were severed along Baptist Church Rd.; these lots appear to be developed. A fifth lot was severed on the corner of Baptist Church Rd. and the 9th Line. The subject severance will have frontage on the 10th Line.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, an unnamed tributary of Haley Creek travels through an unclassified wetland which is located on the southern end of the proposed retained land. In terms of vegetation, the southern end is well forested, while the northern portion consists of large open fields. In addition, the 120 metre adjacent lands to the Stewart Lake-Haley Lake Complex (classified as Provincially Significant Wetland) extend slightly across the eastern lot line, into the retained lands. Concerning the severed lands, no natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Values

Watercourse

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

Wetland

As previously indicated, an unclassified wetland exists in the southern end of the retained lands. Given the numerous environmental benefits of wetlands, ranging from habitat for flora and fauna to acting as a natural filtration system for clean water, MVC strongly encourages their preservation.

In addition, it was previously noted that the 120 metre adjacent lands to the Stewart Lake-Haley Lake PSW extend slightly across the eastern lot line of the retained lands.

Given that sufficient area appears to exist to accommodate future development that complies with the current standards for development adjacent to these features, impacts to the aforementioned wetlands are not anticipated as a result of this application

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.

CONCLUSION AND RECOMMENDATIONS

With all of the above in consideration, MVC does not have any objection to the subject application provided the following mitigative measures are implemented on the proposed retained lands:

- A minimum setback of 30 metres from the seasonal high water mark of the unnamed watercourse shall be maintained for future structures and a septic system;

- The vegetation along the watercourse and unclassified wetland shall be retained to a minimum depth of 15 metres;
- The unclassified wetland shall remain undisturbed;
- Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the watercourse, wetland, or onto adjacent properties. Eaves troughing shall be installed and outlet away from these areas to a leach pit or well-vegetated area to allow for maximum infiltration.

NOTES

In reference to Section 6.3.2.6 of the township's Official Plan, which deals with the creation of more than three lots on one landholding, MVC is of the opinion that additional technical studies are not necessary for this application. This assessment is based on the following:

1. MVC is not aware of any water quality or quantity problems with the previous created lots, which are already developed;
2. Any future severances from this holding would not be permitted under the current Zoning By-law, which requires a minimum frontage of 45 metres. The current retained parcel only has 85 metres, which leaves insufficient frontage for another severance;
3. The subject severance is located a significant distance from the previous severances, and with frontage on different road;

The property owner should be advised that in the event shoreline work is proposed on the tributary of Haley Creek, written permission is 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 tributary or unclassified wetland, located on the retained lands, should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit Severed - A 1 acre forested parcel of land. Land has a small drainage course toward the northerly side of the property. Additional sandy loam fill will be required in area of future tile bed.

Retained – A 42.37 acre parcel of land with small barn on property. Land is both field and brush. Additional sandy loam fill will be required in area of future tile bed.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no

installations over these lands and therefore no requirement for easement protection.

We have no concerns or objection to the proposed severance.

(c) 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.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.4046-ha residential building lot and retain a 17.1467-ha vacant landholding.

The subject lands are located in a rural area characterized by Residential on varying sizes of lots along Baptist Church Road, the hamlet of Prestonvale is located to the north west.

Five previous severances were taken from the original parcel of land since 1979. The new D/NE Official Plan generally allows a maximum of three severances from a property as it existed in 1979 however for large properties with frontage on more than one road, additional severances may be considered if the distance between lots is great enough that development along each frontage could be considered on its own merit. As noted by the Township Planner this application, this is the first severance from this lot of record that fronts on Concession 10A and is considered to meet the intent of the Official Plan policy.

The lands are accessed via Drummond Con 10A, a municipally maintained road.

Agricultural Operations

Due to an agricultural operation being located on the retained lands and two adjacent properties, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated minimum setbacks as follows:

F Myke Farm – required setback 166 m – actual setback 576 m

W McNaughton Farm – required setback 221 m – actual setback 1,250 m

P McFarlane – required setback 99 m – actual setback 530 m

Given the proximity of these agricultural operations a condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory – Name: Farmington

- Stoniness: slightly stony
- CLI: 6 – natural grazing only
- Drainage: well
- Hydrogeology: moderate

Bedrock Inventory – Dolostone, Sandstone

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH.
- 2/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of “general policies’ also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.
Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed
- 3/ Woodlands
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 been established by the Township of Drummond / North Elmsley.

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single family dwellings. Development on the lot will require compliance with the setback provisions of the zoning by-law.

Conclusion

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, the County Official Plan and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(e) MINUTES – April 29, 2013

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

Committee 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicants shall satisfy all the requirements of the Township of Drummond / North Elmsley, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be

consulted prior to commencing a survey to determine the amount, if any, of road widening required.

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

NOTES

1. *The Mississippi Valley Conservation Authority advises that in the event shoreline work is proposed on the tributary of Haley Creek, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
2. *In addition, any proposed works in or near the tributary or unclassified wetland, located on the retained lands, should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional 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. *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: Monika Fleischer & Gilles Charlebois Hearing Date: April 29, 2013
Agent: Bill Watson
LDC File #: B13/002
Municipality: Lanark Highlands
Geographic Township: Lavant Lot: 6 Con.: 8
Roll No. 0940 001 015 07825 Consent Type: Lot Addition & R-O-W

Purpose and Effect: To sever a 721.8 sq.m. parcel of land as a lot addition to lands owned by Bill Watson at t Lot 6 Conc. 8 Lavant, t/w a r-o-w in favour of Mary Boucher at Lot 6 Conc. 8 Lavant. The lands are accessed via Lavant Mill Road.

Table with 3 columns: DETAILS OF PROPOSAL, Land to be Severed, Land to be Retained. Rows include Existing/Proposed Use, Area, Frontage, Depth, Road Access, Water Supply, Sewage Disposal, Official Plan Designation, and Zoning Category.

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on 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.

County Official Plan - under review with MMAH

Local Official Plan – Section 3.1 Waterfront Communities, Section 5.0 Our Environment, Section 6.0 Public Health and Safety, Section 7,4,3 Local Roads, Section 8.4.2 Consents.

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 Lakefront Development. 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 a lot addition and ROW which will improve access to the properties located at 116 and 124 Rogers Lane.

1.1 OFFICIAL PLAN

The lands are designated Lake Development on Schedule ‘A-I’ of the Township’s Official Plan.

Section 4.5.4 of the Official Plan, provides for development to occur along a private roadway as long as the right of way is registered on title and provision has been made for individual or private maintenance solutions.

The property owners should be aware that the Township is under no obligation to service or maintain the right of way.

1.2 ZONING

The lands are zoned Rural and Lake Front Development on Schedule ‘A 1’ of Zoning By-law 2003-451.

2.0 Discussion

At present both property owners access their land by crossing over the others property. The application is housekeeping exercise to provide both property owners with direct access to their land via the Lavant Mill Road. The proposal is consistent with township land use policy and is supported by staff.

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. 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 application is to sever 721.8 sq.m. (0.18 ac) as a lot addition to the adjacent lands owned by Bill Watson. The severed land will be used as an access road. The retained land is 16 ha (39.5 ac). The lot being added to has frontage on Robertson's Lake.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, no natural heritage features or natural hazards exist on the subject property. However, according to information received from the landowner, in combination with a site visit, we understand that a seasonal watercourse travels across the proposed access road, through the retained lands, and then drains into Robertson's Lake. A defined channel for this watercourse was not observed; however, it is our understanding that runoff, which originates on higher ground to the south, channels through a defined path in lower ground which exists on the retained lands.

RE VIEW

The aforementioned watercourse is considered seasonal and would not support fish habitat. Therefore, from a natural heritage perspective, negative impacts are not anticipated as a result of this application. However, we recommend that drainage is adequately addressed to ensure that the new access road does not result in an increase in runoff being directed to adjacent properties.

CONCLUSION AND RECOMMENDATIONS

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

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.

The lot being added to has frontage on Robertson's Lake. Therefore, the property owner should be advised that in the event shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". These regulations do not apply to the watercourse identified on the retained lands given that it does not drain an area greater than 125 ha.

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

(c) 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.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 721.8 sq.m. parcel of land on the west side of the Fleischer/Charlebois property as a lot addition to lands owned by William Wayne Watson. Mr. Watson in turn will convey to Fleischer/Charlebois a small portion of land on the east side of the Fleischer/Charlebois property. The r-o-w for Boucher over ‘Rogers Lane’ will be released and reconveyed to the lands which are the subject of this application.

The subject lands are located in an area characterized by Residential and Lakefront Residential along the Lavant Mill Road. A large landholding is located to the south and Robertson’s Lake is located to the north.

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

Archaeological

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

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – Under review with MMAH.
- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3.3 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. A number of ‘general policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.
- 3/ Woodlands
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 been established by the Township of Lanark Highlands.

Zoning

The subject property is currently zoned Lakefront Development (LD) which permits a number of uses, including single family dwellings. The lot to be severed will allow the relocation of an existing r-o-w which currently crosses over the septic system for the Fleischer/Charlebois property.

Conclusion

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, the County Official Plan and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – April 29, 2013**

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

Mr. Watson explained that Rogers Lane, which he owned as a separate parcel of land would be transferred to Fleischer/Charlebois in exchange of the small parcel of land on the west side on their property, which would then become the entrance lane to his property with a r-o-w for Ms. Boucher. Roger Lane would cease to exist.

Committee 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. A R-O-W shall be provided over the lands described in 1 above to Mary Louise Boucher Lav Con 8 E Pt. Lot 6 Part 6 on Plan 26R-2690.
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. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Lanark Highlands 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 Mississippi Valley Conservation advises that in the event shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". These regulations do not apply to the watercourse identified on the retained lands given that it does not drain an area greater than 125 ha.*
2. *Any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Elizabeth Gibson **Hearing Date:** April 29, 2013
Agent: Rodney & Heather Iverson
LDC File #: B13/003
Municipality: Beckwith
Geographic Township: N/A **Lot:** 12 **Con** 8
Roll No. 0924 000 020 25601 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 1586 sq.m. parcel of land as a lot addition to lands owned by Rodney and Heather Iverson at Pt. Lot 12 Conc. 8 Beckwith and retain a 4.85-ha residential lot at 1931 9th Line Beckwith.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Lot Addition	Residential
Area	1,586 sq. m	4.85 ha
Frontage	61 m	84 m
Depth	26 m	365 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private well	Private well
Sewage Disposal	Private septic	Private septic
Official Plan Designation	Rural Residential	
-Conformity?	Yes	
Zoning Category	Residential	Residential
-Area Required (min.)	n/a	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)	n/a	45 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

County Official Plan - under review by MMAH.

Official Plan – Section 4 General development Policies, Section 5.1 Residential Policies, Section 7.3 Local Roads, Section 9.6 Subdivision of Land, Section 9.10 Land Division Committee.

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

Zoning By-law - Section 3 General Provisions, Section 5.1 Residential Zone.

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

(b) AGENCY REVIEW

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

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

1. That the applicant provides the Township of Beckwith with a paper copy of the reference plan;
2. That the applicant pay the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) to the Township of Beckwith;

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 applications is to sever (1) vacant 0.39-ac building lot as a lot addition to the adjacent lands. The proposed retained land is 12 acres with an existing dwelling and outbuilding.

PROPERTY CHARACTERISTICS

According to a review of available mapping, an unnamed watercourse travels across the middle of the retained lands. The property is primarily open field with some trees lining both the perimeter of the property, as well as the shoreline of the watercourse. No natural heritage features or natural hazards were identified on the lands to be severed.

REVIEW

MVC does not anticipate any impacts concerning natural heritage features or natural hazards, as a result of this application, for the following reasons:

- We are satisfied with the size of the resulting lots;
- The proposed retained land is already developed with no new development proposed at this time;
- The lot to be enlarged will become compliant with the minimum lot size required in the municipal zoning bylaw;
- No Natural Heritage Features or Natural Hazards were identified on the severed lands.

CONCLUSION AND RECOMMENDATIONS

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

NOTES

We recommend that any potential new development, on the proposed retained land, complies with the zoning provisions; particularly with respect to the minimum waterbody setback and the retention of a shoreline vegetated buffer.

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 unnamed watercourse.

Any proposed works in or near the unnamed watercourse 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 – A 0.39 acre parcel of land that will be added to existing parcel at 195 9th line rd. An addition to an existing lot only.

Retained – A 12 acre parcel of land with an existing house. Serviced by a well and septic system. Land has trees and area of open field. A small creek intersects property. Additional sandy loam fill will be required in area of future replacement leaching bed.

Hydro One Networks – No comments were received.

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

(c) **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.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 1586 sq.m. parcel of land as a lot addition to lands owned by Rodney Peter Ross Iverson and Heather Lynn Iverson and retain a 4.85-ha lot with an existing dwelling located at 1931 9th Line Beckwith.

The subject lands are located in an area characterized by a mixture of residential lots types along the 9th Line Beckwith. Three subdivisions are located to the east and south. As well the CPR Rail Line is located to the west.

The lands to be enlarged are accessed via 9th Line Beckwith, a municipally maintained road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH.
- 2/ Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973. Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Beckwith.

Zoning

The subject property is currently zoned Residential which permits a variety of uses including single family dwellings. The lot to be severed will increase the lot to be enlarged so that it meets the minimum lot size requirements of the zoning by-law.

Conclusion

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, the County Official Plan and Official Plan for the Township of Beckwith and could be given favourable consideration.

(e) **MINUTES – April 29, 2013**

Rodney Iverson, agent attended the hearing and gave evidence under oath.

Committee 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.
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 Rodney Peter Ross Iverson and Heather Lynn Iverson described as Part NE ½ Lot 12 Concession 8, Township of Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The

owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.

NOTES

1. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *The Mississippi Valley Conservation recommends that any potential new development, on the proposed retained land, complies with the zoning provisions; particularly with respect to the minimum waterbody setback and the retention of a shoreline vegetated buffer.*
3. *The MVC also 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 unnamed watercourse.*
4. *Any proposed works in or near the unnamed watercourse should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
5. *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: Acorn Envirocon **Hearing Date:** April 29, 2013
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B13/004
Municipality: Lanark Highlands
Geographic Township: Lanark **Lot:** 3 **Con** 6
Roll No. 0940 934 025 11802 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 1.9-ha parcel of land as a lot addition to lands owned by Amanda Majore at Pt. Lot 3 Conc. 6 Lanark and to sever two (2) residential building lots 1.0-ha each and retain a 34.0-ha vacant landholding. The lands are accessed via Lanark Con 6A.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B13/004	B13/005	B13/006	
Existing Use	Vacant	Vacant	Vacant	Vacant
Proposed Use	Lot Addition	Residential	Residential	Vacant
Area	1.9 ha	1.0 ha	1.0 ha	34.0 ha
Frontage	61.50 m	61.50 m	61.50 m	112 m
Depth	163.20 m	163.20 m	163.20 m	651 m Irregular
Road - Access to	Municipal Rd.	Municipal Rd.	Municipal Rd.	Municipal Rd.
Water Supply	N/A	Proposed well	Proposed well	N/A
Sewage Disposal	N/A	Proposed septic	Proposed septic	N/A
Official Plan Designation -Conformity?	Rural and Organic Soils Yes			
Zoning Category	Rural & Environmental Protection		Rural & Environmental Protection	
-Area Required (min.)	1.0-ha		1.0-ha	
-Compliance?	Yes		Yes	
-Frontage Required (min.)	60 m		60 m	
-Compliance?	yes		yes	

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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.

2.5 Mineral Aggregate Resources

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

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

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.

County Official Plan - Under review by MMAH.

Official Plan – Section 3.0 Planning Sustainable Communities, Section 4.1 Mineral Resources, Section 5.3.2 Wetlands, Section 6.5 Organic Soils, Section 7.4.3 Local Roads, Section 8.4.2 Consents.

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

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

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

(b) AGENCY REVIEW

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

Township of Lanark Highlands – Planner’s Report

1.0 Review of Proposal and Application

Three applications have been received from the County of Lanark Land Division Committee for the creation of two new lots and a lot addition. The property is legally described as Pt. Lot 3 Concession 6, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever two, 2.5 acre residential building lots, add a 4.7 acre parcel to 354 Con 6A and retain 84 acre vacant landholding. Access for the two new lots is via Concession 6A Lanark.

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 a 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.

1.4 RECOMENDATION

That Council recommends to the Land Division Committee of Lanark County that the **B13/004** application for consent be approved 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.

That Council recommends to the Land Division Committee of Lanark County that the **B13/005 & B13/006** severance applications for the creation of two new lots be approved subject to the following conditions;

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed is submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontages of the lot to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Superintendent of Public Works should be consulted prior to commencing a survey to determine the amount of road widening required.
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.
7. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.

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 applications is to sever (2) vacant lots measuring 1 ha each (Severed Parcel 2 & 3). An additional 1.9 ha lot (Severed Parcel #1) is proposed to be severed as a lot addition to the adjacent lands which are already developed. The proposed retained land is approximately 34 ha consisting of the former Linton Pit.

PROPERTY CHARACTERISTICS

A review of available GIS mapping revealed a large portion of the retained lands within the Stewart Lake-Haley Lake Wetland Complex as well as within the 120 metre adjacent lands to this natural heritage feature. This wetland has been classified by the Ministry of Natural Resources (MNR) as Provincially Significant Wetland (PSW). Mapping also revealed that the proposed retained lands largely consist of the Innisville Wetlands which has been classified as an Area of Natural and Scientific Interest (ANSI) by the Ministry of Natural Resources (MNR). The proposed severed lands do not fall within these features or their adjacent lands. However, mapping illustrates a tributary of Stewart Lake traveling within 30 metres of severed parcel #1. No Natural Hazards were identified.

REVIEW

PSW and ANSI

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development and site alterations, including the creation of new lots, within 120 metres of a PSW and 50 metres of an 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 features identified. Potential impacts are typically assessed through the preparation of an Environmental Impact Statement (EIS). However, it is our opinion that there is limited value in conducting an EIS at this time for the following reasons:

- Mapping shows that the proposed severances do not fall within the aforementioned features, or their adjacent lands.
- Sufficient area appears to exist on the retained land for potential new development outside of the identified features and their adjacent lands.

In the event that future development is proposed within the 120 metre adjacent lands to the PSW and the 50 metre adjacent lands to the ANSI, an EIS may be required to evaluate such development.

Watercourse

As previously indicated, an unnamed watercourse exists within 30 metres of severed parcel #1. This parcel is being added to the adjacent lands which are already developed with no new development proposed at this time. Therefore, no additional impacts to the watercourse are anticipated as a result of this application.

CONCLUSION

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

NOTES

We recommend that any potential new development, on Severed Parcel #1, comply with the zoning provisions; particularly with respect to the minimum waterbody setback and the retention of a shoreline vegetated buffer.

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 unnamed watercourse or for any interference and site alteration within 120 metres of the PSW.

Any proposed works in or near the unnamed watercourse 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 – B13/004– A 1.9 hectare low parcel of land that is mainly open field/scrub brush. This parcel is to be added to an existing lot of record.

Severed – B13/005 – A 1.0 hectare parcel of land. Property is vacant and low. Land relatively flat. Land is mainly open field/scrubland. Additional sandy loam fill is required in area of future tile bed.

Severed – B13/006 – A 1.0 hectare low parcel of vacant land. Land is relatively flat, open field and scrub brush. Additional sandy loam fill is required in area of future tile bed.

Retained – A 34-ha hectare parcel of land. Land is vacant. A portion of this parcel is the former “Linton Pit”. Slope and drainage varies on this parcel. Additional sandy loam fill will be required in the area of the future tile bed.

Hydro One Networks – No comments were received.

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

(c) **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.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever three lot – a 1.9-ha lot addition to lands owned by Michael and Amanda Majore at 354 6th Con A Lanark and two 1.0-ha residential building lots and retain a 34-ha vacant landholding. These lands were the subject to two previous severances (2009) which were approved and subsequently allowed to lapse.

The lands were previously designated as Aggregate and Zoned as Pit. These designations have now been removed and the licence on the “Linton Pit” relinquished. The lands do fall within 500 m of existing Pits and Quarry’s (Pine Grove Pit & Quarry, Tackaberry Sand & Gravel and Thomas Cavanagh) and therefore any development application requires the support of an Impact Report. However, several existing residential units are located closer to these operations and it is not anticipated that the development will have any further impact on the operation. It is recommended that the deed contain a clause advising any new owners of the proximity of the operations (i.e. noise, dust, etc). Any nature buffer (trees) should be maintained.

Due to the proximity of the Innisville PSW and organic soils being located on the lands to be severed, the applicant prepared an EIS which concluded that a suitable building envelope could be obtained and that no clearing or development occur within 30 m of the watercourse on the lands to be retained.

The subject lands are located in an area characterized by Pit and Quarry Operations, along Pine Grove Road, intermixed with residential development.

The lands are accessed via 6th Con A Lanark, a municipally maintained road.

Soils Inventory – Name: Bolingbroke
- Stoniness: non stony
- CLI: 4 – severe limitations
- Drainage: well
- Hydrogeology: low run-off

Bedrock Inventory – diorite, gabbro, peridotite

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – Under review by MMAH.
- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3.3 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. A number of 'general policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.
- 3/ Woodlands
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 been established by the Township of Lanark Highlands.

Zoning

The subject property is currently zoned Rural Residential which permits a variety of uses including single family dwellings. The lot to be severed (B13/004) will increase the lot to be enlarged so that it meets the minimum lot size requirements of the zoning by-law. Any development on the two new lots will be required to meet the minimum setback requirements are set out in the zoning by-law.

Conclusion

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, the County Official Plan and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(e) **MINUTES – April 29, 2013**

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

Ms. Zander confirmed that the OPA to remove the Aggregate Designation has been completed and the MNR has signed off on the removal of the Linton Pit Licence.

Committee 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:

B13/004

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 Michael Majore and Amanda Majore described as Part 1, Plan 26R-2942 Pt. Lot 3 Conc. 6 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 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. 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 Mississippi Valley Conservation recommend that any potential new development, comply with the zoning provisions; particularly with respect to the minimum waterbody setback and the retention of a shoreline vegetated buffer.*
2. *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 unnamed watercourse or for any interference and site alteration within 120 metres of the PSW.*
3. *Any proposed works in or near the unnamed watercourse should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

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

B13/005 and B13/006

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of 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 confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township in this regard.

10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation recommends that any potential new development, comply with the zoning provisions; particularly with respect to the minimum waterbody setback and the retention of a shoreline vegetated buffer.*
2. *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 unnamed watercourse or for any interference and site alteration within 120 metres of the PSW.*
3. *Any proposed works in or near the unnamed watercourse should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area.*
5. *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.*
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.

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.

County Official Plan – under review by MMAH.

Official Plan – Section 2 General Development Policies, Section 3 & 4 Natural Heritage Policies, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

The Township advised that the proposal does not comply 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 of Montague – Planner's Report

Please be advised that I have reviewed the above noted consent application with respect to its conformity with the Township's Official Plan and Zoning By-law. As I understand it, the applicant is intending to sever a 40 hectare landholding to create two new residential building lots, each being 0.41 hectares (1 acre) in size. Each of these lots, as well as the retained, will have frontage on McGuire Road, which is owned and maintained by the

Township. The proposed severed lands are partially wooded and the bulk of the retained lands are forested, although there is a dwelling. According to my records, three previous severances were granted from the original landholding around 1990 however none since 2001 and as such, the consent policies of the Township's Official Plan would consider a further two lots being created.

The severed and retained lands are all located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development such as these proposed lots. The overall built density in the general vicinity is relatively low, with a number of farms in the vicinity as well as rural residential development. A review of the constraints mapping of the Official Plan indicates there are potentially significant woodlands throughout the property (see the map that is part of this report) and while the proposed lots are outside these mapped areas, they are within the adjacent lands as defined by Section 2.21.6.5 of the Official Plan. As provided for in the Plan I assessed the site in person and determined that the areas of the woodland that are near the proposed lots do not meet most of the criteria in the Official Plan for significant woodland. While this woodland is close to other significant woodlands, in my view due to the near proximity of other residential development any cumulative impact on those as a result of this application would be minimal. I also note that there are organic soils on the rear and western portion of the Moss property, although that has no bearing on these proposed lots. I should mention that the aerial mapping indicated what appeared may be a livestock facility about 250 metres south of the proposed severed lots. While on visual inspection it appears that those structures are not capable of housing livestock it is my advice that this be confirmed to ensure compatibility with minimum distance separation policies.

With regards to the zoning, I note that the proposed lots and retained lands are all within the Rural (A) Zone as indicated in the Township's Zoning By-Law, and meet the requirements of the zone in terms of lot area and frontage.

Given the foregoing, Montague Township supports the above application provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- The balance of any outstanding taxes and fees owing shall be paid to the Township.
- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- The Applicant shall confirm that residential entrances to the proposed lots are viable.
- The Applicant shall consult directly with the Township in this regard.
- The Applicant shall obtain Civic Address Numbers from the Township of Montague. The applicant shall consult directly with the Township in this regard.
- The Applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists on the requested severed lot to service the intended single family residential use.

- The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

Conservation Authority – Rideau Valley Conservation Authority

We have undertaken our review within the context of Sections 2.1 Natural heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

PROPOSAL

The proposal is to sever a new 0.4057 hectare residential lot from the existing 38.8057 hectare parcel. We note that this is the first of two severance applications which would ultimately result in a total of 3 lots (2 new lots, 1 retained) from the existing parcel.

PROPERTY CHARACTERISTICS

The severed parcel is slightly treed with cleared areas. The retained parcel is primarily treed with a permanent wetland identified on northern portion of the property. Majority of the retained parcel has been identified as Significant Woodland in the Township's Official Plan.

REVIEW

Natural Hazards

The Township's Official Plan has identified a good portion of the retained parcel as organic soils. In accordance with Section 2.19.2 of the Township's Official Plan development is encouraged to be located in areas outside of areas identified as organic soils. In addition organic soils are considered as a hazardous site under Section 3.1 of the Provincial Policy Statement. The PPS also encourages development to be located outside of *hazardous sites* unless it has been demonstrated that the hazard can be overcome. Therefore in accordance with the Township's Official Plan and the Provincial Policy Statement, all development should be directed to the northern portion of the retained parcel and outside of the area identified as organic soils.

The retained parcel is already developed with a residence and a garage. No new development is proposed on the retained parcel, therefore the Conservation Authority is not recommending that a geotechnical report be provided to support this application. However the applicant should be aware of the presence of organic soils for any future development.

Natural Heritage

Significant Woodland

A good portion of the retained parcel has been identified as been within a Significant Woodland in the Townships Official Plan. The retained parcel is already developed with a residence and a garage. No new development is being proposed. Therefore the Conservation Authority is not recommending that an EIS is required to support this application.

The severed parcel appears to be partially within the 120 metre adjacent lands of the Significant Woodland. We will rely on the Township to determine whether an EIS is required in accordance with the Township's Official Plan,

CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this consent application.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – B13/007 – A 0.4057 hectare parcel of land. Land is treed lot with gentle slope. Additional sandy loam fill will be required in the area of the future tile bed.

Severed – B13/008 – A 0.4057 hectare vacant parcel of land. Land is a treed lot with gentle slope. Additional sandy loam fill will be required in the area of the future tile bed.

Retained – A 38.4 hectare parcel of land with an existing house serviced with an existing sewage system and well. There is a garage/meat shop on site. Additional sandy loam fill will be required in the area of the future replacement septic system.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection.

We have no concerns or objection to the proposed severance.

(c) **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.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two (2) residential building lots 0.4-ha each and retain a 38.4-ha landholding with an existing dwelling located at 238 McGuire Road.

The subject lands are located in an area characterized by McGuire Road and a small settlement type pattern of development at the corner of Ford and McGuire Roads.

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

Soils Inventory – Name: Farmington	Tennyson
- Stoniness: very stony	slightly stony
- CLI: 6 – natural grazing only	4 - severe limitations
- Drainage: well	well
- Hydrogeology: moderate	moderate

Bedrock Inventory – Dolostone, sandstone.

Official Plan Policies

- 2/ Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
- 3/ Woodlands
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 been established by the Township of Montague.

Zoning

The subject property is currently zoned Rural which permits a variety of uses including single family dwellings. Any development on the lots will be required to meet the minimum setback requirements of the zoning by-law.

Conclusion

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, the County Official Plan and Official Plan for the Township of Montague and could be given favourable consideration.

(e) **MINUTES – April 29, 2013**

Dorothy and Maurice Moss, owners attended the hearing and gave evidence under oath.

Ms. Moss advised that they wished to retain a 12 m lane from the main road to the maple bush of the east side of the property. And that they are aware that this 'entrance' would require approval from the Township Roads Dept. Ms. Moss also advised that the McGuire Barn located to the south is only a 'hay barn' and that the livestock facility was removed many years prior.

Committee 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 should apply to both lots.

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall provide satisfactory evidence to the Township of Montague, through the provision of well test data, that the quality and quantity of groundwater is adequate to service the intended single family residential use. The applicant shall consult directly with the Township in this regard.
9. A letter shall be received from the Township of Montague stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the septic system area.*
2. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Gary Ennis **Hearing Date:** April 29, 2013
Agent: Eric St. Pierre & Sarah Morey
LDC File #: B13/010
Municipality: Tay Valley Township
Geographic Township: Bathurst **Lot:** 11 & 12 **Con** 10
Roll No. 0911 916 030 18200 **Consent Type:** New Lot

Purpose and Effect: To sever a 4.05-ha residential building lot and retain a 23.07-ha vacant landholding. The lands are accessed via Ennis Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Vacant
Area	4.05 ha	23.07 ha
Frontage	236.4 m	300 m
Depth	314.4 Irregular	irregular
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed Well	N/A
Sewage Disposal	Proposed Septic	N/A
Official Plan Designation -Conformity?	Rural, Organic Soils, Deer Yard yes	
Zoning Category	Rural	Rural
-Area Required (min.)	0.405-ha	0.405-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

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.

2.6 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 on 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.

County Official Plan - Under review by MMAH.

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

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

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

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

(b) **AGENCY REVIEW**

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

Tay Valley Planner's Comments

The proposal is to sever a 4.05-ha parcel of land for a new building lot, and retain a 23.8-ha vacant landholding. The lands are designated as Rural, Organic Soils, Significant Wildlife Area. There is potential for endangered species on the retained portion. Therefore, as EIS or site plan control agreement would be required when a building permit is sought for the retained lands.

The lands are zoned as rural applicable sections: 10.2 – severed lot 4.05-ha as a new lot with 236 metre frontage on Ennis Rd; retained lot – 23.8 ha with over 300 metres frontage on Ennis Rd; Both lots meet minimum zoning provisions.

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;
- 2 copies of the reference plan;
- Payment of \$100 Cash in Lieu of Parkland.

Conservation Authority – Mississippi Valley Conservation

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 4.05-ha building lot, and retain a vacant 23.8ha landholding.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, an unclassified wetland exists in the central portion of the proposed retained land. An unnamed watercourse is connected to this wetland and appears to travel across the retained land, through the southern portion of the severed land and eventually into Bennett Lake. The remaining retained land appears largely as forested lowland with organic soils. The proposed severed land consists of an open field adjacent to Ennis Rd. The remainder of the severed land appears to be forested lowland with organic soils.

REVIEW

Natural Heritage Values - Watercourse & Wetland

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

Natural Hazards - Organic Soils

Wetland/lowland areas inherently consist of organic soils; the poor drainage and unstable characteristics of which, makes them unsuitable for development. Therefore, development should be directed outside of areas containing organic soils. Sufficient area appears to exist on the proposed severed and retained lands to accommodate future development outside of these areas.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVC has no objection to the subject application provided the following mitigative measures are adhered to for any future development on the proposed severed and retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the unnamed watercourse and wetland.
2. The shoreline vegetation surrounding the wetland, lowland and the unnamed watercourse shall be retained to a minimum depth of 15 metres.
3. Future development shall be directed away from wetland and lowland areas consisting of organic soils.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, lowland, unnamed watercourse, or onto adjacent properties.
5. The wetland and lowland areas shall remain undisturbed.

NOTES

The property owner should be advised that in the event shoreline work is proposed along the unnamed watercourse, written permission may be required from MVC pursuant to Ontario Regulation 15 3/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

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) – Mississippi-Rideau Septic System Office

A review of the Consent Application was conducted 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). A site visit was conducted March 11, 2013.

The applicant proposes to sever 4.05 hectare parcel, for the purpose of creating a new lot. The proposed lot is currently vacant. There is an open field abutting Ennis Road, to the South, with undulations populated by deciduous trees. Exposed rock is visible through the snow pack. Beyond the undulations the land appears to slope towards

lowlands with heavy tree cover. This lowlands area appears to be part of a large wetland complex connected to Bennett Lake. No test pits were provided.

The retained parcel is 23.8 hectares and contains the same site features as the land to be severed. No test pits were provided.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant septic system greater than 30m from all surface waters. There is exposed rock, which may indicate shallow soils, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site wastewater would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment and therefore is recommended.

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system in the future on either the severed or retained lot. 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.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection.

We have no concerns or objection to the proposed severance.

(c) **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.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 4.05-ha residential building lot and retain a 23.8-ha vacant landholding. One previous severance was taken from this lot in 2008.

The subject lands are located in an area characterized by Residential on larger type lots along Ennis Road. The Fall River is located to the north of the property.

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

Archaeological

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

Deer Yard

The subject property is located within the locally known ‘Bennett Lake Deer Yard’. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum,

particularly removal of natural browse (eastern white cedar).

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – flows, tuffs, breccias

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – Under review with MMAH.
- 2/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of ‘general policies’ also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3/ Woodlands
The area has considerable land masses mapped as ‘woodlands’, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by Tay Valley Township.

Zoning

The subject property is currently zoned Rural (RU) which permits a number of uses, including single family dwellings. Any development on the lands must comply with the minimum setback requirements as set out in the Zoning By-law.

Conclusion

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, the County Official Plan and Official Plan for the Tay Valley Township and could be given favourable consideration.

(e) MINUTES – April 29, 2013

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.

(g) **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 "An unnamed watercourse and wetland is located on these lands. No building or septic systems shall occur within 30 metres of the seasonal high water mark of the unnamed watercourse and the vegetation along the shoreline shall be maintained to a minimum depth of 15 metres. The shoreline vegetation surrounding the wetland and lowland shall be retained to a minimum depth of 15 metres".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with 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 Tay Valley Township with a copy of the deed/transfer for the property.
8. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.

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

NOTES

1. *The Mississippi Rideau Septic System Office advises that there is exposed rock, which may indicate shallow soils, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site wastewater would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment and therefore is recommended.*
2. *The Mississippi Valley Conservation advises that an unnamed watercourse and wetland is located on the retained lands. No building or septic systems shall occur within 30 metres of the seasonal high water mark of the unnamed watercourse and the vegetation along the shoreline shall be maintained to a minimum depth of 15 metres. The shoreline vegetation surrounding the wetland and lowland shall be retained to a minimum depth of 15 metres any future development shall be directed away from wetland and lowland areas consisting of organic soils. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, lowland, unnamed watercourse, or onto adjacent properties. The wetland and lowland areas shall remain undisturbed.*
3. *The MC advises that in the event shoreline work is proposed along the unnamed watercourse, written permission may be required from MVC pursuant to Ontario Regulation 15 3/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
4. *In addition, any proposed works in or near the unnamed watercourse or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
5. *The applicant 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.*
6. *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.*
7. *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.*
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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Regan Lee

Hearing Date: April 9, 2013

Reconvened Hearing: Apr. 29, 2013

Agent: N/A

LDC File #: B12/161, B12/162 & B12/163

Municipality: Montague

Geographic Township: N/A

Lot: 29 **Con** 9

Roll No. 0901 000 025 28300

Consent Type: Three New Lots

Purpose and Effect: To sever three (3) residential building lots (0.59 ha each) and retain a 44.77 ha vacant landholding. The lands to be severed are accessed via McGuire Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B12/161	B12/162	B12/163	
Existing Use	Vacant	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential	Residential
Area	0.59 ha	0.59 ha	0.59 ha	44.77 ha
Frontage	60 m	60 m	60 m	207 m
Depth	99 m	99 m	99 m	1,524 m
Road - Access to	Mun Road	Mun Road	Mun Road	Municipal Road
Water Supply	Prop Well	Prop Well	Prop Well	Prop Well
Sewage Disposal	Prop Septic	Prop Septic	Prop Septic	Prop Septic
Official Plan Designation -Conformity?	Rural with organic soils & woodlands overlay Yes			
Zoning Category	Rural		Rural	
-Area Required (min.)	0.4-ha		0.4-ha	
-Compliance?	Yes		Yes	
-Frontage Required (min.)	46 m		46 m	
-Compliance?	Yes		Yes	

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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.

County Official Plan - Under review by MMAH.

Official Plan – Section 2 General Development Policies, Section 3 & 4 Natural Heritage Policies, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

The Township advised that the proposal does not comply 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 of Montague – Planner's Report

Please be advised that I have reviewed the above noted consent application with respect to its conformity with the Township's Official Plan and Zoning By-law. As I understand it, the applicant is intending to sever a 46 hectare (114 acre) landholding to create three residential building lots (each being 0.59 hectares / 1.46 acres). Each of these lots, as

well as the retained, will have frontage on McGuire Road, which is owned and maintained by the Township. The proposed severed lands are open pasture, and the bulk of the retained lands are woodland and non-provincially significant wetland. There is no current development on the property. According to my records, no previous severances appear to have been created out of this lot of record since 2001.

The severed and retained lands are all located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development such as these proposed lots. The overall built density in the general vicinity is quite low. A review of the constraints mapping of the Official Plan indicates there is significant woodland on the rear four fifths of the Lee property including a significant portion of lands containing organic soils. These features are far to the rear of the severed lots and do not directly impact this application.

Of greater concern is the County Forest and significant woodland immediately abutting the lot known as B12/161. As two of these proposed lots are within 120 metres of the significant woodland, then Section 2.21.6 of the Plan would apply which only allows development (including lot creation) on these lands with the support of an EIS. As the adjacent woodlands are also identified for their conservation value as County Forests (as per Section 2.11), then a higher standard of protection would be advisable. As the existing landholding has about 260 total metres of frontage, my advice would be that the applicant adjust his application such that the three proposed lots, keeping the same proposed area and frontage, be sited together at the eastern end of the lot, maximizing the distance from the conservation lands. Should this not be possible, I would suggest that pursuant to Section 2.21.6, an EIS be undertaken demonstrating the suitability of the proposed lot creation.

With regards to the zoning, I note that the proposed lots and retained lands are all within the Rural (A) Zone as indicated in the Township's Zoning By-Law, and meet the requirements of the zone in terms of lot area, frontage and use.

While I believe that the Lee application meets most of the Township's planning policies, it is my suggestion that the lots be reconfigured to maximize the potential development distance from the County Forests. Provided that this issue is addressed to the Committee's satisfaction, it is my recommendation that this application be approved and I have included some draft conditions for the Committee's consideration. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

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

- That the application be amended so that the three proposed lots are relocated to the eastern end of the subject property in order to maximize the distance;
- between the potential development and the conservation lands and forest on the abutting lands to the west;
- The balance of any outstanding taxes and fees owing shall be paid to the Township;

- The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office;
- The Applicant shall confirm that residential entrances to the proposed lots are viable. The Applicant shall consult directly with the Township in this regard;
- The Applicant shall obtain Civic Address Numbers from the Township of Montague. The applicant shall consult directly with the Township in this regard;
- The Applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists on the requested severed lot to service the intended single family residential use;
- The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

Conservation Authority – Rideau Valley Conservation Authority

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

PROPOSAL

The proposal is to sever a new residential lot from the existing vacant parcel.

PROPERTY CHARACTERISTICS

The severed parcel is mainly cleared. The retained parcel is primarily cleared for the first 300 metres along the northern portion of the parcel. The southern portion of the retained parcel has been identified as Significant Woodland in the Township's Official Plan. In addition a permanent wetland and the Ford Branch 3 Municipal Drain have been identified on the southern half of the retained parcel.

REVIEW

Natural Hazards

The Township's Official Plan has identified portions of the southern half of the retained parcel as organic soils. In accordance with Section 2.19.2 of the Township's Official Plan development is encouraged to be located in areas outside of areas identified as organic soils. In addition organic soils are considered as a hazardous site under Section 3.1 of the Provincial Policy Statement. The PPS also encourages development to be located outside of hazardous sites unless it has been demonstrated that the hazard can be overcome. Therefore in accordance with the Township's Official Plan and the Provincial Policy Statement, all development should be directed to the northern portion of the retained parcel and outside of the area identified as organic soils.

Natural Heritage

Significant Woodland

A good portion of the retained parcel has been identified as been within a Significant Woodland in the Townships Official Plan. For the purpose of this application there is a sufficient building envelope on the northern portion of the retained parcel entirely outside of the Significant Woodland and its 120 metre adjacent lands. However should the

applicant and any subsequent purchaser desire to build within the Significant Woodland or the 120 Metre adjacent lands then an ETS in accordance with the Township's Official Plan would be required.

The severed parcel is entirely outside of the Significant Woodland and the adjacent lands.

Watercourse and Wetland

The Ford Branch 3 Municipal Drain and a permanent wetland have been identified on the southern half of the retained parcel. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the severed and retained lands in the following manner:

Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority. For the purpose of this application there is a sufficient building envelope on the retained parcel entirely outside of the permanent wetland. The severed parcel is entirely outside of the permanent wetland.

CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this consent application.

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

Severed – (Same report for all three lots) – A 60 X 99m vacant parcel of land with gentle slope towards McGuire Rd. frontage. Land is mainly open field. Additional sandy loam fill is required in the area of tile bed.

Retained – A 338 acre parcel of land. Land is vacant and slope & drainage can vary.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations over these lands and therefore no requirement for easement protection.

We have no concerns or objection to the proposed severance.

(c) **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.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever three residential building lots (0.59-ha each) and retain a 44.7-ha landholding. All the lands are currently vacant.

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

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

Soils Inventory –B12/161	B12/162 & 163
- Name: Farmington	Monteagle
- Stoniness: slightly stony	slightly stony
- CLI: 6 – natural grazing only	4 – severe limitations
- Drainage: well	well
- Hydrogeology: moderate	moderate

Bedrock Inventory – Dolostone, Sandstone

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by MMAH
- 2/ Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of ‘general policies’ also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
- 3/ Woodlands
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 been established by the Township of Montague.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot is intended as a lot addition and the retained lands are already developed. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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, the County Official Plan and Official Plan for the Township of Montague and could be given favourable consideration.

(e) **MINUTES – April 9, 2013**

No persons attended the hearing.

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“THAT, applications B12/161, B12/162 and B12/163 be deferred until such time as the owner/agent can be in attendance at the hearing to provide the Committee with additional information re: size of lots, location of lots, wells/water supply;

AND that the owner/agent be requested to provide a clearer sketch i.e. consistent measurements, scale.”

ADOPTED

(f) **PLANNING REPORT – ADDITIONAL INFORMATION**

Background and Summary

The applicant proposes to sever three residential building lots (0.59-ha each) and retain a 44.7-ha landholding. All the lands are currently vacant. The initial hearing was held on April 9, 2013, at which time the applicant was not in attendance.

The Committee deferred decision on the applications in order that the applicant could be in attendance at the hearing to provide the Committee with additional information re: size of lots, location of lots, wells/water supply and that a clearer sketch be provided.

In response to the questions, the applicant provided a revised sketch with proper dimensions and land forms shown. The applicant also discussed the suggested revisions with the Township Planner, and the applicant agreed to revise the application to reflect the three lots to be created as being located adjacent to each other and abutting the easterly boundary.

The applicant also discussed with the Township, the requirement for wells.

(g) **MINUTES – April 29, 2013**

Regan Lee, owner/agent attended the hearing and gave evidence under oath.

Mr. Lee presented his revised sketch, dated April 15, 2013 which reconfigured the three lots to abut one another on the eastern side of the lot. Dimensions were shown as 60m x 106m. Mr. Lee also advised that in speaking with the Township they had indicated that they will be requiring a well to be drilled on each of the three lots.

Committee reviewed the staff report and draft conditions.

(h) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

REASONS: Having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality, and having determined that the proposal is

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

CONDITIONS: The same conditions should apply to all three 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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented April 15, 2013.
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 Montague.
5. The applicant shall provide the Township of Montague 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 confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
8. The applicant shall provide satisfactory evidence to the Township of Montague, through the provision of well test data, that the quality and quantity of groundwater is adequate to service the intended single family residential use. The applicant shall consult directly with the Township in this regard.
9. Payment shall be made to the Township of Montague representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
10. A letter shall be received from the Township of Montague stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the Ford Branch 3 Municipal Drain and a permanent wetland have been identified on the southern half of the retained parcel. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the severed and retained lands in the following manner:*

“Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.”

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

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

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

Additional Note for B12/163

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