



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Tuesday, April 9, 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-2013-008

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

"THAT, the minutes of the Land Division Committee meeting held on February 26, 2013 be approved as circulated."
ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2013-009

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

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

6.1 Town of Perth – Notice of Official Plan Open House – April 17, 2013.

6.2 OMB – Memorandum of Oral Decision – Bell Canada / Joyce Farrell

MOTION #LD-2013-010

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“**THAT**, Correspondence Items 1 and 2 be received as information.” **ADOPTED**

6.3 OACA – membership for 2013

MOTION #LD-2013-011

MOVED BY: D. Murphy

SECONDED BY: W. Guthrie

“**THAT**, the Secretary-Treasurer submit membership dues to OACA on behalf of the Land Division Committee Members.” **ADOPTED**

6.4 OCAC Conference - Richmond Hill – May 26 to 29, 2013 - early Bird Registration prior to Apr 15, 2013

MOTION #LD-2013-012

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“**THAT**, the Secretary-Treasurer register members D. Murphy and W. Guthrie for the annual OACA Conference.” **ADOPTED**

7. REPORTS

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

7.1.1 B10/181 – Franco and Enza Ricci – New Lot

Pt. Lot 23 Conc. 5 Township of Montague. (Nolan Road)

7.1.2 B12/002 – Elizabeth Wallace – New Lot

Pt. Lot 6 Conc. A Montague. (Heritage Drive)

7.1.3 B12/066, B12/067 and B12/068 – Jackson Homes – 3 new lots

Pt. Lot 6 Conc. 9 Township of Montague. (Pinery Road)

- 7.1.4 B12/069, B12/070 and B12/071 – Jackson Homes – 3 new lots**
Pt. Lot 6 Conc. 9 Township of Montage. (Pinery Road)
- 7.1.5 B12/144 – Aron Gabor –New Lot**
Pt. Lot 18 Conc. 1 Township of Beckwith. (Bourne Road)
- 7.1.6 B12/153 – Pauline McNamee, Walter McNamee, Allan McNamee, John McNamee & Peter McNamee – New Lot**
Pt. Lot 19 Conc. 9, geographic Township of North Burgess, now in Tay Valley Township. (Scotch Line Road)
- 7.1.7 B12/153 – Stephen & Maureen McParland – Lot Addition**
Pt. Lot 24-26 Conc. 8, geographic Township of North Burgess, now in Tay Valley Township. (Pike Lake Route 13A)
- 7.1.8 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

- 9.1 Draft Procedural Manual – review / revise
- 9.2 Draft Year-End Report – review / revise

MOTION #LD-2013-013

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

“**THAT**, the 2012 Year-end Report be accepted as presented and that Chairman R Strachan present the report to Community Development Committee on May 1, 2013.”

ADOPTED

10. PUBLIC HEARING:

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

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B10/181 – Franco and Enza Ricci – New Lot

10.1.2 B12/002 – Elizabeth Wallace – New Lot

10.1.3 B12/066, B12/067 and B12/068 – Jackson Homes – 3 new lots

10.1.4 B12/069, B12/070 and B12/071 – Jackson Homes – 3 new lots

10.1.5 B12/144 – Aron Gabor –New Lot

10.1.6 B12/153 – Pauline McNamee, Walter McNamee, Allan McNamee, John McNamee & Peter McNamee – New Lot

10.1.7 B12/154 – Stephen & Maureen McParland – Lot Addition

10.2 PROVISIONAL CONSENT DEFERRED

10.2.1 B12/161, B12/162 and B12/163 – Regan Lee – Three New Lots
Owner/Agent was not in attendance.

MOTION #LD-2013-014

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

11. UPCOMING MEETINGS

Monday, April 29, 2013 @9:00 a.m.

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

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

Monday August 25, 2013

12. ADJOURNMENT – 11:30 a.m.



Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Franco & Enza Ricci **Hearing Date:** April 9, 2013
Agent: N/A
LDC File #: B10/181 Re-submission
Municipality: Township of Montague
Geographic Township: Montague **Lot:** 23 **Concession:** 5
Roll No. 0901 000 020 45404 **Consent Type:** New Lot

Purpose and Effect: To sever an 18.13-ha parcel of land with an existing vacant Mobile Home Park and retain a 59.06 vacant landholding. The lands to be severed access via Roger Stevens road and the retained lands access via Nolan Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Mobile Home Park Vacant Comm/RMH	Vacant Residential
Area Frontage Depth Road - Access to	18.13-ha 273.68 m 662.65 m County Road	59.06-ha 284.07 m 1086.11 m Municipal Road
Water Supply Sewage Disposal	Private Well Septic Systems	Proposed Well Proposed Septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Commercial, Rural, Mobile Home Residential 1.0-ha Com 4.0-ha RMH Yes 150 m Yes	Rural 0.4-ha Yes 46 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

Official Plan – Section 4 General Development Policies, Section 5 Rural Lands Policy, Section, Section 12 Road Proposals.

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

Zoning By-law - Section 3 General Provisions, Section 7 Mobile Home Residential Zone, Section 9 General Commercial, Zone, and Section 18 Rural Zone.

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

(b) AGENCY REVIEW

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

Township of Montague – Planner’s Report

Please be advised that I have reviewed the above noted consent application and as I understand it, the applicant is looking to divide an irregularly shaped 77.19 hectare (191 acre parcel) into two lots. The severed lot, about 18 hectares, will front on Roger Stevens and consists of a vacant commercial area and a former mobile home park. The retained vacant rural lot will front on Nolan Road. This application is a revision of a former application with different lot configurations however my evaluation addresses the present application only. I should note that several severances have been granted off of this lot

over time however according to my records these were prior to 2001 and as such, according to Section 5.2.3 of the Township's Official Plan, additional lot creation can be considered.

The entire property is designated Rural in the Township's Official Plan and within this designation certain portions of the severed lands are zoned Commercial and Mobile Home Residential. No change in use is proposed for those lands at this time. This application essentially divides those specially zoned lands from the larger rural land to the rear and has been identified for future residential use. In this case, a single residential dwelling on the large lot would not be out of character in the low density mixed residential and pasture landscape and is consistent with the intent of the Official Plan's policies regarding rural residential development. I reviewed the Township constraints mapping and identified potentially significant woodlands on the severed lands and organic soils on both the severed and retained lands. In both cases, those features are significantly far from the access roads and there is ample room for future development outside these areas. As such I do not believe any special conditions regarding those are necessary at this time; however it is understood that any development in those sensitive areas (see map below) could only happen in accordance with the applicable policies of the Plan. It is my understanding that the applicant wishes to retain the commercial and mobile home zoning on the vacant severed lands which is reasonable for now and any future development on the site will be evaluated at that point.

In conclusion, Montague Township does not have any objection to this application, provided that the standard approval conditions are met.

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

1. The balance of any outstanding taxes and fees owing shall be paid to the Township.
2. The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
3. The Applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
4. The Applicant shall confirm that a residential entrance to the subject lot is viable.
5. The Applicant shall consult directly with the Township in this regard.
6. 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.
7. The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

Conservation Authority – Rideau Valley Conservation Authority – Dec 20, 2010
There is no natural hazard or natural heritage issues precluding the approval of this application.

We note for the information of the applicant that the retained parcel has numerous small watercourses traversing the site. Future development should respect development setbacks as per the municipal Zoning By-laws and the Official Plan. Furthermore, any site alteration activity affecting the banks or the bed of the watercourses requires a permit under Ontario Regulation 174/06 'Development, Interference with Wetlands and Alterations to Shoreline and Watercourses' as administered by the Rideau Valley Conservation Authority.

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

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

Severed – The land is currently a trailer park. We have been advised by the owners that the park will be closing and that the land will become vacant. The property is 10.95 hectares. At time of inspection, there were still several trailers on site. There is a marshy, wet area toward the south of the property.

Recommendation – The severed land has septic systems for the mobile homes. They are raised systems. As daily flows were over 10,000 litres/day, they were regulated by the Ministry of Environment. Once all the trailers have been removed, all septic tanks should be pumped out.

Retained – The retained portion is 66.24 hectares. It is a wooded lot which is currently used for recreation and is proposed for residential use. There are low lying wet areas on the property.

Recommendation – If one residence is intended on the property in the future, it would need to be fully raised using imported sandy loam fill. In principle, there is no objection to the proposed severance.

County of Lanark – Public Works

1. Applicant has an approved existing entrance location to the County Road. #2311,
2. Entrance to be installed prior to deed endorsement.
3. Land proposed to be severed by B10/181 has an approved location for access. This entrance will be classified as "Other – Right-of-Way (Trailer Park / Residential). The deed conveying the subject lot shall not include the reservation of a right-of-way for the use of the retained lands. A full entrance application must be submitted and entrance installed prior to deed endorsement. Access to the retained lands shall be from the maintained Township road to the north (Nolans' Road).
4. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required

across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

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

(c) **PLANNING REVIEW**

The applicant proposes to sever 10.95-ha landholding with an existing 'mobile home park' and retain a 59.06-ha vacant landholding.

The subject lands are located in an area characterized by a mixture of lot sizes along Roger Stevens Road. The applicant has closing the 'mobile home park' and the mobile homes have been removed.

The lands to be severed are accessed via an existing entrance from Roger Stevens Road; a County maintained road and the retained lands are to be accessed via Nolan's Road, a municipally maintained road. The applicant has proposed that the r-o-w over the severed lands be granted to the retained lands.

Previous consent activity – In 1989 the previous landowner applied for 4 consents – three (3) along Nolan's Road and one (1) on Roger Stevens Road. The Land Division Committee denied one of the applications located along Nolan's Road as the numbers exceed the existing Official Plan Policies Section 16. The new Official Plan reset the clock to January 1, 2001.

As noted by the Health Unit, once all of the Mobile Homes have been removed, the septic tanks are to be pumped. It is recommended that the applicant enter into a development agreement with the Township, requiring proof that all the tanks have been pumped.

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

Bedrock Inventory – Dolostone, Sandstone

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan – currently being reviewed 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 not been established by the Town of Mississippi Mills.

Zoning

The subject property is currently within the Mobile Home Residential (RMH), Commercial (C) and Rural (A) in the Zoning By-law, which permits a number of uses, including single-detached dwellings. The applicant wishes to maintain these three zoning designations. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

The area has areas mapped as ‘woodlands’, located to the west, with some limited areas located on the retained lands. 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.

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

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

(d) **PUBLIC INPUT**

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

(e) **MINUTES – April 9, 2013**

Franco and Enza Ricci, owners attended the hearing and gave evidence under oath.

Mr. Ricci confirmed that there is an existing r-o-w along the boundary line between his lands and the lands to the east which is shared equally. Also that in speaking with County Public Works Department they would not be seeking a r-o-w to the retained lands as this would result in a third party using a shared entrance which is not acceptable under the Entrance Regulations.

Mrs. Ricci advised that all privately owned mobile homes have been removed and that the three remaining units are owned by them, but are not being used. Also that all septic tanks have been pumped.

Mr. Ricci advised that MOE does not require the septic tanks and beds to be removed and also confirmed that there are 2 communal wells on the property which provide good quantity and quality of water.

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 deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements

that currently exist.

5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
6. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application.
8. The applicant shall obtain a Civic Address Number from the Township of Montague for the retained lands. The applicant shall consult directly with the Township in this regard
9. The applicant shall obtain an entrance location permit from the Township of Montague for the retained lands. The applicant shall consult directly with the Township in this regard.
10. The applicant shall demonstrate to the satisfaction of the Township of Montague that adequate ground water supply exists on the severed lot to service the intended single family residential use. The applicant shall consult directly with the Township in this regard.
11. Payment of 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).
12. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. The wording of the agreement shall be acceptable to the Municipality and shall address removal of the mobile home units and the pumping of the septic systems on the severed lands. A copy of the agreement shall be provided to the Leeds Grenville and Lanark District Health Unit.
13. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
14. The County Public Works Department shall confirm that the existing/proposed entrance to the lot to be severed has have been installed to the satisfaction of the County.
15. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate

indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

16. A letter shall be received from the County of Lanark Public Works Department stating that condition #13 to #15 has been fulfilled to their satisfaction.
17. A letter shall be received from the Township of Montague stating that condition #5 through #12 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that any site alteration activity affecting the banks or the bed of the watercourses on the retained lands will require a permit under Ontario Regulation 174/06 'Development, Interference with Wetlands and Alterations to Shoreline and Watercourses' as administered by the Rideau Valley Conservation Authority.*
2. *The Leeds Grenville and Lanark District Health Unit advises that any septic system on the retained lands would need to be fully raised using imported sandy loam fill.*
3. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Elizabeth Wallace

Hearing Date: April 9, 2013

Agent:

LDC File #: B12/002

Municipality: Township of Montague

Geographic Township: Montague

Lot: 6 Conc.: A

Roll No. 0901 000 010 12004

Consent Type: New Lot

Purpose and Effect:

To sever a 0.66-ha residential building lot and retain a 0.56-ha residential building.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area	0.6557-ha	0.5628-ha
Frontage	76.35 m	76.35 m
Frontage - water	79.0 m	84.0 m
Depth	83.0 m	67.0 m
Road - Access to	County Road	County Road
Water Supply	Proposed well	Proposed well
Sewage Disposal	Proposed septic	Proposed septic
Official Plan Designation -Conformity?	Rural and Floodplain Yes	
Zoning By-law Category	Rural – 25	Rural – 25
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	No	No
-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.

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 by MMAH.

Official Plan – Section 2 General Development Policies, Section 3 & 4 Natural Heritage Policies, Section 3.6 Rural Policies, Section 4.3 County Roads, Section 5.2 Land Division, Section 5.8.

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 – Special exception 25. 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:

Town Planner's Report

Please be advised that I have reviewed the above noted consent application and as I understand it, the applicant owns a 1.22 hectare (3 acre) parcel of land on Heritage Drive and is looking to divide the lot roughly in half, creating 1.6 acre and 1.4 acre residential building lots. Both the severed and retained lands will front on the Rideau River. Both portions of the lot are mostly wooded and aside from an accessory shed on the retained land, are vacant. According to my records no previous severances have been granted on this lot of record since 2001 and as such, according to Section 5.2.3 of the Township's Official Plan, is eligible for additional lot creation.

The entire property is designated Rural in the Township's Official Plan and the proposed use is consistent with that designation, which is intended to accommodate limited residential development that is consistent with the rural character of the Township. The new lot is being proposed just north of Merrickville in an area of extensive linear residential development fronting on the Rideau River. Given the pattern and density of development on both sides of this property, the lot essentially infills this area and does not further extend strip development. Given the location of the property, there are a number of issues which need to be considered in the evaluation of this application. Firstly, given that the application involves potential development abutting the Rideau Canal National Historic Site, special attention had to be paid to the cultural and ecological integrity of the area. Pursuant to Sections 2.10 and 2.18.1 of the Plan, Parks Canada and the Rideau Valley Conservation Authority were consulted and they advised that any development on the lots will need to be coordinated to minimize impacts on the shoreline. As such, it is their recommendation that the applicants enter into a development agreement with the Township, and worded to their satisfaction, that all structural development occur a minimum of 32 metres from the river and additionally there shall be no removal of existing vegetation within that 32 metre setback, with the exception of a 15 m opening for permitted water access. In accordance with the Township's Site Plan Control policies (Sec. 5.4), it is expected that the future development of these lots also be subject to site plan control in order to manage the compatibility of the uses with the canal landscape. Additionally in their review, RVCA has identified a watercourse along the southern lot boundary of the severed parcel and advises that pursuant to the Township's Zoning By-law, a 32 metre development setback will also need to be observed.

I also reviewed the Township constraints mapping and identified potentially significant woodland and floodplain on the property (see Appendix) although there is a sufficient building envelope outside of those features where development could proceed. With regards to the transportation policies of the Plan, I note that this lot fronts on a County owned road. It is my expectation that the applicant has received or will receive approval from the County for access to the lots.

According to the Township's existing Zoning By-law, the Wallace property is zoned Rural Special Exception 25, which requires a minimum lot size of 1 hectare. As such, this proposal is inconsistent with current zoning. In conversation with the Township's Chief Building Official, it is my understanding that this lot size requirement was established under an old zoning regime where larger lot sizes were required and this exception allowed the lot at its current size. As such and assuming that the 1 hectare requirement was not in place to address a site specific lot constraint, the rezoning of this property to remove that exception could be considered. At the time of this report however, the Township's consultants are preparing a new Zoning By-law which, as I understand, proposes to remove the site specific rural exception zones along this stretch of road. If this new Zoning By-law is approved prior to the final approval of this application, then the zoning would comply, however I am recommending for the time being that zoning compliance be included as a condition of any approval of this application.

In conclusion, provided that the environmental and zoning issues are addressed, Montague Township supports the above severance, noting that it would otherwise be consistent with the Township's planning policies. 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:

- 1/ The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2/ The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3/ The Applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
- 4/ 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.
- 5/ The applicant shall enter into a Development Agreement with the Township to address the concerns raised by the Rideau Development Review Team and to appropriately manage development on the lot adjacent to the Rideau Canal. The wording of the agreement shall address setbacks from waterbodies, water access, retention of vegetation and the future development of the lands.
- 6/ The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

7/ Prior to final approval, the newly severed lot and retained lot shall be in compliance with the Township's zoning policies.

Conservation Authority – RVCA and Rideau Canal Office

The Rideau Waterfront Development Review Team (Parks Canada- Rideau Canal Office and the Rideau Valley Conservation Authority) have completed a review of the above noted application. We have undertaken our review within the context of:

Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act.
Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act,
Federal Fisheries Act,
Historic Canal Regulations,

The following comments are offered for the Committee's consideration.

PROPOSAL

The proposal is to sever 1 residential parcel from the existing 12383 square metre vacant parcel.

PROPERTY CHARACTERISTICS

The property is characterized by forested vegetation throughout majority of the property abutting the Rideau River, part of the Rideau Canal National Historic Site and UNESCO World Heritage Site. Small portions of the property fronting the County Road are less densely vegetated. The property gently slopes towards the river. A watercourse has been identified adjacent to the southern boundary of the severed parcel.

REVIEW

Natural Hazards

For the applicant's information a small portion of the severed and retained parcels are within the 1:100-year floodplain of the Rideau River identified as 95.9 metres geodetic. For the purpose of this application there is a sufficient building envelope on both parcels entirely outside of the 1:100-yr. floodplain of the Rideau River. 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 retained lands in the following manner:

- The Rideau River Flood Plain Mapping Study identifies portions of the retained parcel within the 1: 1 00 year floodplain of the Rideau River, identified as 95.9 metres geodetic. Development within the regulated limit area and the floodplain requires the prior written approval of the Conservation Authority.

Development is defined as *the construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.*

Natural Heritage

Rideau River and Watercourses

The retained and severed parcels abut the Rideau River. In addition a watercourse has been identified along the southern property boundary of the severed 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 retained lands in the following manner:

- Any alteration, straightening, changing, diverting 01' interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.

The Municipal Zoning requires a 75 foot water setback plus the minimum required yard dimension which in this case is 30 feet for the side yard and 30 feet for the rear yard. Therefore citing of any development on the property will need to take into account the setback requirements from the river and the watercourse. For the purpose of this application each parcel will have a sufficient building envelope available which will meet the minimum setback requirements from the river and the watercourse.

We also note that the zoning requires that all lots in the A-25 zone must meet a minimum lot size of 1 hectare (10,000 square metres). The proposal before us is an amendment to the original proposal in order to address concerns previously raised by the Rideau Waterfront Development Review Team (Parks Canada- Rideau Canal Office and the Rideau Valley Conservation Authority) regarding the creation of three undersized lots. Therefore while the property does not meet the minimum requirements for a lot size, we feel that the creation of two lots is more in keeping with the intent of the zoning than the original proposal.

Any future waterfront access/development on the property is limited to 25% width of the total water frontage or 50 feet on the uplands portion of the property, whichever is less. Natural vegetation shall otherwise be maintained along the 32 metre setback from the normal highwater mark of the Rideau River. Approvals for docks must be received from Parks Canada.

Any shoreline work in, on or over the bed of the Rideau Canal requires the prior written approval under the Historic Canals Regulation administered by the Rideau Canal Office, as Parks Canada's jurisdiction extends to the original upper controlled water elevation of the Rideau Canal and its lakes and rivers. This includes, but is not limited to, docks, decks, boat houses, launch ramps, beaches, dredging and shoreline stabilization works.

CONCLUSION

In conclusion the Rideau Waterfront Development Review Team have no objection to this application subject to the following conditions:

1. That the Owner enter into a development agreement for the severed parcel with the Township of Montague with wording to the satisfaction of the Rideau Waterfront Development Review Team that:
 - a) That the owner acknowledges and agrees that no development (including pools, decks, gazebos, private sewage systems, etc. ...) shall occur within 105 feet (32 metres) of the Rideau River or the watercourse along the southern property boundary of the severed property.

- b) That the Owner acknowledges and agrees that there shall be no removal of existing vegetation (save and except that permitted for waterfront access) within the 32 metre setback from the Rideau River and the watercourse.
- c) That the Owner acknowledges and agrees that all development within the regulation limit is subject to Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" as administered by the Rideau Valley Conservation Authority. This regulation affects the property in the following manner:
 - Any alteration, straightening, changing, diverting interfering in any way with any watercourse requires the prior written approval of the Conservation Authority.
 - The Rideau River Flood Plain Mapping Study identifies portions of the retained parcel within the 1: 100 year floodplain of the Rideau River, identified as 95.9 metres geodetic. Development within the regulated limit area and the floodplain requires the prior written approval of the Conservation Authority.

Development means:

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,
 - (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, increasing the number of dwelling units in the building or structure,
 - (c) site grading, or
 - (d) the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.
- d) Any shoreline work built in, on or over the bed of the Rideau Canal requires the prior written approval under the Historic Canals Regulation administered by the Rideau Canal Office. Please note that the Federal Crown owns to the original upper controlled water elevation of the Rideau Canal and its lakes and rivers. This includes, but is not limited to, docks, decks, boat houses, launch ramps, beaches, dredging and shoreline stabilization works.
- e) That the Owner acknowledges and agrees that any future waterfront access / development on the property is limited to 25% width of the total water frontage or 50 feet on the upland portion of the property, whichever is less. . .

Please forward notice of the Committee's decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below.

Septic Office – Leeds Grenville & Lanark Health Unit

Our office has no objection to the severed parcel being created for potential residential development. It is understood that the building envelope and sewage envelope will both be a minimum 30 m from the high water of Rideau River and is encouraged to be a maximum distance achievable nearest the Heritage Drive Road. Development of both the severed and retained parcels will require sandy loam fill.

The retained parcel of land is a 76.35 m x 84.0 m parcel with only an existing shed on site. Land slopes toward the Rideau River.

Our office has no objection to the proposed severance application being granted.

Lanark County Public Works Dept.

- 1/ Applicant has an approved existing entrance to the County Road
- 2/ Applicant has an approved entrance location to the County Road. Severed 2365, retained 2366.
- 3/ Entrance to be installed prior to deed endorsement for the severed and retained lands.
- 4/ Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.

Hydro One Networks – No comments were received.

Bell Canada R-O-W – Has advised that they have no comments or concerns.

(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 0.6557-ha residential building lot and retain a 0.5628-ha residential building lot with an existing vacant shed.

The subject lands are located in an area characterized by typical water orientated residential development between the Rideau River and Heritage Drive. Large vacant parcels of land are located to the north west.

The lands are accessed via Heritage Drive, a county maintained road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – currently under review by MMAH.
- 2/ Montague Official Plan Polices 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 (special exception) of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The special exception requires that any new lots being created must be 1.0-ha. A zoning amendment will be required as a condition of consent. Any new development will be required to meet the minimum setback requirements of the Zoning By-law, in particular the 30m setback from the water for any development (structures or septic).

Archaeological

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

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

Elizabeth Wallace, owner and Garth Wallace, spouse of the owner attended the hearing

and gave evidence under oath.

Mrs. Wallace advised that they have very good water, which is tested on a regular basis.

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 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 applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
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 obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
7. The applicant shall demonstrate to the satisfaction of the Township of Montague that adequate ground water supply exists on the requested severed lot to service the intended single family residential use. The applicant shall consult directly with the Township in this regard.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of March 6, 2013, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of

the Planning Act, to delete the reference to the Conservation Authority.

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. That prior to final approval, the newly severed lot and retained lot shall be in compliance with the Township's zoning policies. The applicant shall consult directly with the Township of Montague in this regard.
11. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
12. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
13. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
14. A letter shall be received from the County of Lanark Public Works Department stating that condition #11 to #13 has been fulfilled to their satisfaction.
15. A letter shall be received from the Township of Montague stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES:

1. *Residents and users of the Rideau River are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lake and watercourses.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill / imported fill may be required in the septic system area.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the*

developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.

4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
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: Jackson Homes Inc. (Joshua Jackson) **Hearing Date:** April 9, 2013
Agent: Tracy Zander, ZanderPlan Inc.,
LDC File #: B12/066, B12/067 & B12/068
Municipality: Montague
Geographic Township: N/A **Lot:** 6 **Con** 9
Roll No. 0901 000 015 16900 **Consent Type:** New Lots

Purpose and Effect: To sever three (3) residential building lots (1.5-ha, 1.6 ha and 1.7 ha) and retain a 79.2 ha vacant landholding. The lands are accessed via Pinery Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B12/066	B12/067	B12/068	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	1.5 ha 134 m Irregular Municipal Rd.	1.6 ha 63.4 m Irregular Municipal Rd.	1.7 ha 63.4 m Irregular Municipal Rd.	79.2 ha 774.9 m Irregular Municipal Rd.
Water Supply Sewage Disposal	Proposed Well Proposed Septic	Proposed Well Proposed Septic	Proposed Well Proposed Septic	Proposed Well Proposed Septic
Official Plan Designation -Conformity?	Rural with PSW, Wetland & Woodlands overlay Yes			
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 46 m Yes		Rural 0.4-ha Yes 46 m Yes	

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

Section 2.1.4 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 - being reviewed 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. In this case, the applicant is proposing a total of six severances on land that he owns on either side of Pinery Road, which is a travelled road maintained by the Township. In this case, as the

road acts as a natural severance, the two Jackson parcels are treated as separate lots and as such, each parcel is considered to be a separate landholding for the purposes of applying the consent policies of the Official Plan. This application is a revision of a previous application last year that saw six larger lots and was amended following comments from a biologist with respect to woodland and habitat concerns. The new application proposes residential building lots ranging from 1.3 to 1.7 hectares in size at the north end of the landholdings, leaving large vacant retained parcels. According to my records, no previous severances appear to have been created out of this lot of record since 2001.

The natural constraints identified on these lots will inevitably impact the scale and nature of any development should these severances be approved. The subject lands contain significant woodland, provincially significant wetland and organic soils. The revised application concentrated the proposed lots to the north end of the property far away from the wetland and largely outside the lands classified as containing organic soils. This was done to address substantive concerns raised by the biologist who submitted an Environmental Impact Statement on the application, pursuant to Section 2.21 of the Official Plan.

While the proposed severed lands are still within significant woodlands as identified on the Township's mapping, the biologist notes that the revised proposal largely protects the interior forest habitat on the Jackson property and consequently has no negative impacts on significant wildlife habitat. The biologist confirms that these severances are supportable from a planning perspective provided that a number of mitigative measures are undertaken throughout the development process to minimize any impact on the natural environment. It is my recommendation that these measures are included as conditions on any approval of this application.

Additionally, pursuant to Section 2.19.2 of the Plan, a geotechnical investigation was undertaken to assess the viability of residential development on the organic soils. While the Township mapping indicates less prevalence of organic soils at the north end of the Jackson property. I also suggest that compliance with these recommendations be a condition of severance approval. In addition to those constraints, it is noted that a substantial portion of the severed lands east of Pinery Road are on a bedrock deposit. The Official Plan (Development Adjacent to Mineral Resources) only supports development on or near aggregate resource areas if the viability of a future commercial extraction operation is not impacted. In this case, given that the proposed lots are at the very edge of the bedrock deposit and that there is some existing residential development nearby on Pinery Road, it is my expectation that this area is not suitable for extraction however the Committee would need to be satisfied of that.

Schedule "A" of the Township's Official Plan designates the entire Jackson property (severed and retained) as Rural. The intent of the Rural Designation (Sec. 3.6.1) is to allow a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. In this case, a significant cluster of residential development is proposed in an area that is relatively far from most services and transportation corridors. While the creation of six (cumulative) new lots will likely not have a significant impact on local infrastructure, due to the natural constraints of the lots, any development on these lots will also be managed such that impacts on the surrounding environment and consequently on the visual condition (with regards to ribbon development) will be minimized. In my view, that is in keeping with the intent of the Plan. It is expected that suitability of the development with respect to groundwater,

septic approval and road access will be confirmed prior to final approval.

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.

To conclude, this is a consent application on lands subject to a number of constraints, however I believe that provided that appropriate mitigative measures are undertaken, the application is consistent with the intent of the Township's Official Plan. As such, the Township offers its support of the application, subject to the satisfaction of the conditions as indicated on the attached Municipal Reply Form. 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:

1. The balance of any outstanding taxes and fees owing shall be paid to the Township.
2. The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
3. Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague 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 for assumption. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
4. The Applicant shall confirm that residential entrances to the subject lots are viable. The Applicant shall consult directly with the Township of Montague in this regard.
5. The Applicant shall obtain Civic Address Numbers from the Township of Montague for all lots identified in the applications. The applicant shall consult directly with the Township in this regard.
6. The Applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists to service the intended single family residential use.
7. The Applicant shall enter into Site Plan Control or Development Agreement with the Township to administer the development conditions as outlined in the Addendum to the Environmental Impact Statement submitted by Hans von Rosen dated October 6th, 2012 and the Geotechnical Investigation Report submitted by Houle Chevrier Engineering dated December 10, 2012.
8. The Applicant shall demonstrate, in accordance with Ministry of Natural Resources and Township requirements, that the bedrock present on the site is not feasible for viable economic extraction and if it is feasible, that the residential development of the lots would not constrain any future extraction operation.
9. The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

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

The following lots for severance were originally inspected on August 17, 2012. As observed at that time, rock is within 0.3m or less of grade and there is little topsoil available.

The Geotechnical Investigation document and the Environmental Impact Statement and revised Application for consent have been reviewed.

Based on the original observations and the information provided, our office has no objection to the revised submission. The potential lots will be of sufficient size to support a conventional Class 4 septic system.

The septic systems will need to be partly to fully raised, depending on the exact site of the system, utilizing imported sandy loam fill. A clay seal will be required beneath the leaching bed. It is recommended that the layout of the building envelope is consistent among the lots. For example, wells in the front and septic systems in the rear. This will allow for maximum separation between wells and septic systems, as well as aid in surface water drainage improvements.

Conservation Authority – Rideau Valley Conservation Authority March 19, 2013

Further to our letter dated July 27, 2012, the RVCA has received direction from the County that the proposed development may proceed via consent. In addition the County in consultation with the Township has provided direction that a hydrogeological terrain analysis and a stormwater management plan will not be required to support these applications. Therefore we are providing our comments within the context of Section 2.1 Natural Heritage 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 B12/066

The proposal is for the severance of a 1.5-ha parcel from the existing 84 ha parcel. It is noted that this is the first application of consent of 3 that would ultimately create 4 lots from the existing 84 ha parcel.

PROPOSAL B12/067

The proposal is for the severance of a 1.6 ha parcel from the existing 84 ha parcel. It is noted that this is the second application of consent of 3 that would ultimately create 4 lots from the existing 84 ha parcel.

PROPOSAL B12/068

The proposal is for the severance of 1.7 ha parcel from the existing 84 ha parcel. It is noted that this is the third application of consent of 3 that would ultimately create 4 lots from the existing 84 ha parcel.

PROPERTY CHARACTERISTICS

The entire parcel and a good portion of the retained parcel have been identified as a Significant Woodland in the Township's Official Plan.

A portion of the retained parcel has been identified as being within the Provincially Significant Wetland and the 120 metre adjacent lands in the Township's Official Plan. The severed and retained parcels are currently vacant.

The entire severed parcel and portions of the retained parcel has been identified as Organic Soils in the Township's Official Plan.

REVIEW

Natural Hazards

In accordance with the Township's Official Plan, the applicant has submitted a geotechnical report to address the Official Plan and Provincial Policy requirements for natural hazards. The report "RE: Geotechnical Investigation, Lot 6, Concession 9, Pinery Road, Montague Township, Ontario" dated December 10, 2012 prepared by Houle Chevrier investigated the general subsurface conditions at the site by means of limited number of test pits and, based on the factual information obtained. The report concludes that based on the local geology maps, it is considered likely that the surficial deposits at this site consist of a thin layer of organic material overlying interbedded sandstone and dolostone bedrock of the March formation, Topsoil at the test pit locations consisted of dark brown silty sand and contained organic material. The report has made specific recommendations for the proposed development including the construction of the foundation and how to overcome the natural hazard of organic soils on the severed and retained lands. Therefore it is imperative that this information is registered in an agreement for the severed and retained parcel.

Natural Heritage – Significant Woodlands

B12/066 – In accordance with the Township's Official Plan, the applicant has submitted an Environmental Impact Statement dated October 6, 2012 prepared by Pinegrove Biotechnical. Based on the author's original assessment of the site, revisions to the proposed severance applications have been made to locate the future building envelopes toward the northern fringe of the Significant Forest Lands. The report has concluded that the eastern portions of the lot contain partially drained former beaver flood. The report has recommended that any future development be a minimum of 30 metres from the western edge of the flood area. The report concludes that there will be no negative impacts upon Significant Wildlife Values, and very limited impacts upon the Interior Forest Character which render the area a Significant Woodlands subject to the report's recommendations.

B12/067 – In accordance with the Township's Official Plan, the applicant has submitted an Environmental Impact Statement dated October 6, 2012 prepared by Pinegrove Biotechnical. Based on the author's original assessment of the site, revisions to the proposed severance applications have been made to locate the future building envelopes toward the northern fringe of the Significant Forest Lands. The report has concluded that the eastern portions of the lot contain partially drained former beaver flood. The report has recommended that any future development be a minimum of 30 metres from the western edge of the flood area. The report concludes that there will be no negative impacts upon Significant Wildlife Values, and very limited impacts upon the Interior Forest Character which render the area a Significant Woodlands subject to the report's recommendations.

B12/068 – In accordance with the Township's Official Plan, the applicant has submitted an Environmental Impact Statement dated October 6, 2012 prepared by Pinegrove Biotechnical. Based on the author's original assessment of the site, revisions to the proposed severance applications have been made to locate the future building envelopes toward the northern fringe of the Significant Forest Lands. The report concludes that there will be no negative impacts upon Significant Wildlife Values, and very limited impacts upon the Interior Forest Character which render the area a

Significant Woodlands subject to the report's recommendations.

Retained Parcel – The EIS has concluded that the re-configuration of the severed parcels to the northern fringe of the Significant Forest Lands will accommodate wildlife corridors and retain a greater amount of interior forest conditions found on the retained parcel. The report concludes "*The alterations will locate future residential building envelopes toward the northern fringe of the Significant Forest Lands, thereby eliminating the open effect of the original lay-out*". Therefore there is a sufficient building envelope entirely outside of the Pinery Road Provincially Significant Wetland and the 120 metre adjacent lands.

CONSERVATION AUTHORITY REGULATIONS

As noted above, portions of the retained parcel have been identified as being within the Pinery Road Provincially Significant wetland and the 120 metre adjacent lands. For the applicant's information 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 property in the following manner:

- Any development within the 120 metre adjacent lands of the Pinery Road PSW requires the prior written approval from the RVCA.

CONCLUSION

In conclusion, the Conservation Authority has no object to these applications for consent subject to the following conditions:

B12/066 and B12/067

That the applicant enter' into a development agreement with the Township to the satisfaction of the Conservation Authority that includes the following clauses:

- That the Owner acknowledges and agrees to implement all of the recommendations in the EIS "*Environmental Impact Statement for Mr. Josh Jackson – RE: Severance Part 6 Concession 4 Montague Twp., Lanark County*" dated October 6, 2012 prepared by Hans Von Rosen, Pinegrove Biotechnical.
- That the Owner acknowledges and agrees that all development on the severed parcel shall be setback a minimum of 30 metres from the former beaver flood.
- That the owner acknowledges and agrees that the run-off of any building is to be captured by eaves troughs. And led into "French Drain" type ground re-infiltration pits.
- That the Owner acknowledges and agrees that tree removal between the road and future buildings are to be kept to an absolute minimum.
- That the Owner acknowledges and agrees that the access lanes and parking sites to be created with crushed gravel surfaces, to allow ground re-infiltration of rain waters.
- That the Owner acknowledges and agrees to implement all of the recommendations in the geotechnical report "*RE: Geotechnical Investigation, Lot*

6, Concession 9, Pinery Road Montague Township, Ontario” dated December 10, 2012, prepared by Houle Chevier.

B12/068

That the applicant enter' into a development agreement with the Township to the satisfaction of the Conservation Authority that includes the following clauses:

- That the Owner acknowledges and agrees to implement all of the recommendations in the EIS *“Environmental Impact Statement for Mr. Josh Jackson – RE: Severance Part 6 Concession 4 Montague Twp., Lanark County”* dated October 6, 2012 prepared by Hans Von Rosen, Pinegrove Biotechnical.
- That the owner acknowledges and agrees that the run-off of any building is to be captured by eaves troughs. And led into “French Drain” type ground re-infiltration pits.
- That the Owner acknowledges and agrees that tree removal between the road and future buildings are to be kept to an absolute minimum.
- That the Owner acknowledges and agrees that the access lanes and parking sites to be created with crushed gravel surfaces, to allow ground re-infiltration of rain waters.
- That the Owner acknowledges and agrees to implement all of the recommendations in the geotechnical report *“RE: Geotechnical Investigation, Lot 6, Concession 9, Pinery Road Montague Township, Ontario”* dated December 10, 2012, prepared by Houle Chevier.

Retained Parcel

- That the applicant enter into a development agreement or site plan agreement with the Township to the satisfaction of the Conservation Authority that includes the following clauses:
- That the Owner acknowledges and agrees to implement all of the recommendations in the EIS *“Environmental Impact Statement for Mr. Josh Jackson – RE: Severance Part 6 Concession 4 Montague Twp., Lanark County”* dated October 6, 2012 prepared by Hans Von Rosen, Pinegrove Biotechnical.
- That the Owner acknowledges and agrees that all development on the severed parcel shall be entirely outside of the 120 metre adjacent lands from the Pinery Road PSW.
- That the owner acknowledges and agrees that the run-off of any building is to be captured by eaves troughs, and led into “French Drain” type ground re-infiltration pits.
- That the Owner acknowledges and agrees that tree removal between the road and future buildings are to be kept to an absolute minimum.
- That the Owner acknowledges and agrees that the access lanes and parking sites to be created with crushed gravel surfaces, to allow ground re-infiltration of rain waters.

- That the Owner acknowledges and agrees to implement all of the recommendations in the geotechnical report “*RE: Geotechnical Investigation, Lot 6, Concession 9, Pinery Road Montague Township, Ontario*” dated December 10, 2012, prepared by Houle Chevier.
- That the Owner acknowledges and agrees that the Pinery Road PSW and the 120 metre adjacent lands are subject to Ontario Regulation 174/06 “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” as administered by the Rideau Valley Conservation Authority. Any development with the 120 metres adjacent lands to the PSW and with the PSW requires the written approval of the Conservation Authority. No development is permitted in the PSW.

Development means:

- (a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
- (b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure.*
- (c) *site grading, or*
- (d) *the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.*

Please forward notice of the decision on this application to the office of the RVCA.

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**

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.

Benoît Comeau

1259 Pinery Road, RR 6, Smiths Falls, Ontario K7A 4S7
Telephone: 613-284-5232

RECEIVED
LANARK
COUNTY

FEB 15 2013

Clerk's Department

February 7, 2013

Mary Kirkham
Planning Administrator
County of Lanark
Administration Building, 99 Christie Lake Road
Perth, Ontario K7H 3C6

Dear Ms. Kirkham:

Subject: Notice of Applications for Consent in connection with your file numbers
B12/066, B12/067, B12/068, B12/069, B12/070 and B12/071
Pt. Lot 6 Conc. 9 – Township of Montague

I am a resident and landowner in Montague Township. I am in receipt of two notices related to applications for consent from your office. I am the owner of properties adjoining the lands that are subject to the above-noted applications.

Submission

I plan to attend the public meeting(s) held on these matters. Subject to information submitted to the Land Committee Division and tabled at the public meeting(s), I am generally supportive of the applications to sever residential building lots on the subject lands.

Public Meeting(s)

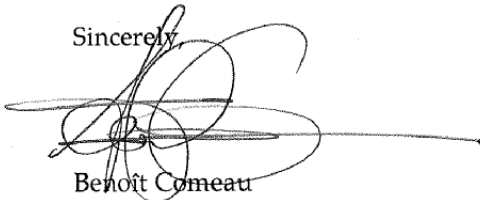
I hereby request that I be advised of any and all public meetings (dates and locations) held in connection with the above-noted applications.

Notice of Decision

I hereby request that I be notified of any and all decisions made by the Land Division Committee in connection with the above-noted applications.

If you have any questions or further information to offer as it may relate to this correspondence, please do not hesitate to contact me.

Sincerely,



Benoît Comeau

cc: ZanderPlan Inc.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever three (3) residential building lots (1.5-ha, 1.6-ha and 1.7-ha) and retain a 79.2-ha vacant landholding. All the lands are currently vacant. The original submission for these applications showed three lots 4.8-ha, 4.8-ha and 4.7-ha with a retained lot of 69.7-ha. Both the Health Unit and Conservation Authority were concerned with location of these lots in proximity with the Pinery Road PSW, therefore an EIS and Geotechnical Investigation were undertaken to ensure that development could occur. As a result of these two reports, the application were revised as shown above.

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

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

Soils Inventory – Name: Brooke

- Stoniness: slightly stony
- CLI: 6 – natural grazing only
- Drainage: poor
- Hydrogeology: slow infiltration

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 meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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

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

(e) MINUTES – April 9, 2013

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

Ms. Zander provided a brief overview of the applications, noting that originally the submissions were for 3 large lots, and through consultation with the Conservation Authority was required to provide an EIS and Geotechnical Investigation which resulted in three smaller lots and with a large retained lot.

Ms. Zander also entered into the public record the following e-mail from Karl Grenke, Planner for the Township of Montague:

“ Regarding the groundwater condition, that condition has been typically included in Montague severances and at the request of the CAO. While it is not something we ask for in D/NE for most severances, Montague's Official Plan is a lot more specific with regards to groundwater and notes that almost the entire Township (other than the area around Andrews ville) is considered to be highly vulnerable to aquifer contamination because of the predominance of shallow overburden (Section 2.21.1.3 of the OP). As such there is a clearer concern expressed regarding water quality/quantity. I talked to Glenn about this when I started with the Township and it was his preference that we ask for well tests to ensure that we know the lots are fully buildable (i.e. have a viable source of water). Ultimately having a well in place would add some value to the property anyway and I while think the Plan supports well testing/drilling in most cases, the wording of the condition does typically allow some to demonstrate the adequacy of the water to the Township.

The bedrock policy is one of those new policies just coming out with this new Official Plan and Section 2.17.1 (Development Adjacent to Mineral Resources) only supports development on or adjacent to bedrock resources if the viability of a future commercial extraction is not impacted. Typically to implement that condition we would require a compatibility study however in this case, given that only the very edge of the deposit intersects with these lots and that there are already some dwellings in between the bulk of the deposit and this the Jackson lots I'm not too concerned that this severance would create a constraint that wouldn't have already have existed and as such I didn't request the study as a condition. In situations such as this it is our internal policy to use discretion on whether to ask for a study. However I wanted to bring it to the Land

Division Committee's attention and consideration. At this point I won't need anything from you."

In light of the foregoing, the Committee agreed that the bullet 8 contained in the Municipal Reply would not be required as a condition of severance. The Committee agreed that there is a concern with potentially 8 new wells in close proximity and therefore would require that a 'note' be included in the provisional conditions for the applicant to have consideration for MOE Guideline D-5-5.

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: Conditions 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 applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of March 19, 2013, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority. The Development Agreement and/or Site Plan Agreement shall apply to both the severed and retained lots.
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. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. The Applicant shall demonstrate to the satisfaction of the Township of Montague that adequate ground water supply exists to service the intended single family residential use. The applicant shall consult directly with the Township in this regard.
10. The applicant shall demonstrate, in accordance with Ministry of Natural Resources and Township of Montague requirements, that the bedrock present on the site is not feasible for viable, economic extraction and if it is feasible that the residential development of the lots would not constrain any future extraction operation. The applicant shall consult directly with the Township in this regard.
11. 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).
12. A letter shall be received from Rideau Valley Conservation Authority stating that condition #3 has been fulfilled to their satisfaction.
13. A letter shall be received from the Township of Montague stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that the septic systems will need to be partly to fully raised, depending on the exact location of the system, utilizing imported sandy loam fill. A clay seal will be required beneath the leaching bed. It is recommended that the layout of the building enveloped is consistent among the lots. For example, wells in the front and septic systems in the rear. This will allow for the maximum separation between wells and septic systems, as well as aid in surface water drainage improvement.*
2. *The applicant is advised that a fee of is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
3. *MOE Guideline D-5 is intended to guide municipal land use planning for sewage and water servicing such that planning decisions are consistent with the Provincial Policy Statements. The applicant should have consideration for Guideline D-5-5 Technical Guideline for Private Wells: Water Supply Assessment where more than 5 five lots are being created.*

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

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Jackson Homes Inc. (Joshua Jackson) **Hearing Date:** April 9, 2013
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B12/069, B12/070 & B12/071
Municipality: Montague
Geographic Township: N/A **Lot:** 6 **Con** 9
Roll No. 0901 000 015 16901 **Consent Type:** New Lots

Purpose and Effect: To sever three (3) residential building lots (1.3-ha, 1.6ha and 1.5 ha) and retain a 12.7 ha vacant landholding. The lands are accessed via Pinery Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B12/069	B12/070	B12/071	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	1.5 ha 60 m Irregular Municipal Rd.	1.6 ha 60 m Irregular Municipal Rd.	1.5 ha 60 m Irregular Municipal Rd.	12.7 ha 783 m Irregular Municipal Rd.
Water Supply Sewage Disposal	Proposed Well Proposed Septic	Proposed Well Proposed Septic	Proposed Well Proposed Septic	Proposed Well Proposed Septic
Official Plan Designation -Conformity?	Rural with Wetland and Woodland overlay Yes			
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 46 m Yes		Rural 0.4-ha Yes 46 m Yes	

(a) **APPLICATION REVIEW**

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

3.1 Natural Hazards

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

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. In this case, the applicant is proposing a total of six severances on land that he owns on either side of Pinery Road, which is a travelled road maintained by the Township. In this case, as the road acts as a natural severance, the two Jackson parcels are treated as separate lots and as such, each parcel is considered to be a separate landholding for the purposes of applying the consent policies of the Official Plan. This application is a revision of a previous application last year that saw six larger lots and was amended following comments from a biologist with respect to woodland and habitat concerns. The new application proposes residential building lots ranging from 1.3 to 1.7 hectares in size at the north end of the landholdings, leaving large vacant retained parcels. According to my records, no previous severances appear to have been created out of this lot of record since 2001.

The natural constraints identified on these lots will inevitably impact the scale and nature of any development should these severances be approved. The subject lands contain significant woodland, provincially significant wetland and organic soils. The revised application concentrated the proposed lots to the north end of the property far away from the wetland and largely outside the lands classified as containing organic soils. This was done to address substantive concerns raised by the biologist who submitted an Environmental Impact Statement on the application, pursuant to Section 2.21 of the Official Plan.

While the proposed severed lands are still within significant woodlands as identified on the Township's mapping, the biologist notes that the revised proposal largely protects the interior forest habitat on the Jackson property and consequently has no negative impacts on significant wildlife habitat. The biologist confirms that these severances are supportable from a planning perspective provided that a number of mitigative measures are undertaken throughout the development process to minimize any impact on the natural environment. It is my recommendation that these measures are included as conditions on any approval of this application.

Additionally, pursuant to Section 2.19.2 of the Plan, a geotechnical investigation was undertaken to assess the viability of residential development on the organic soils. While the Township mapping indicates less prevalence of organic soils at the north end of the Jackson property. I also suggest that compliance with these recommendations be a condition of severance approval. In addition to those constraints, it is noted that a substantial portion of the severed lands east of Pinery Road are on a bedrock deposit. The Official Plan (Development Adjacent to Mineral Resources) only supports development on or near aggregate resource areas if the viability of a future commercial extraction operation is not impacted. In this case, given that the proposed lots are at the very edge of the bedrock deposit and that there is some existing residential development nearby on Pinery Road, it is my expectation that this area is not suitable for extraction however the Committee would need to be satisfied of that.

Schedule "A" of the Township's Official Plan designates the entire Jackson property (severed and retained) as Rural. The intent of the Rural Designation (Sec. 3.6.1) is to allow a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. In this case, a significant cluster of residential development is proposed in an area that is relatively far from most services and transportation corridors. While the creation of six (cumulative) new lots will likely not have a significant impact on local infrastructure, due to the natural constraints of the lots, any development on these lots will also be managed such that impacts on the surrounding environment and consequently on the visual condition (with regards to ribbon development) will be minimized. In my view, that is in keeping with the intent of the Plan. It is expected that suitability of the development with respect to groundwater, septic approval and road access will be confirmed prior to final approval.

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.

To conclude, this is a consent application on lands subject to a number of constraints, however I believe that provided that appropriate mitigative measures are undertaken, the application is consistent with the intent of the Township's Official Plan. As such, the Township offers its support of the application, subject to the satisfaction of the conditions as indicated on the attached Municipal Reply Form. 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:

1. The balance of any outstanding taxes and fees owing shall be paid to the Township.
2. The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
3. Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague 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 for assumption. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
4. The Applicant shall confirm that residential entrances to the subject lots are viable. The Applicant shall consult directly with the Township of Montague in this regard.
5. The Applicant shall obtain Civic Address Numbers from the Township of Montague for all lots identified in the applications. The applicant shall consult directly with the Township in this regard.
6. The Applicant shall demonstrate to the satisfaction of the Township that adequate ground water supply exists to service the intended single family residential use.

7. The Applicant shall enter into Site Plan Control or Development Agreement with the Township to administer the development conditions as outlined in the Addendum to the Environmental Impact Statement submitted by Hans von Rosen dated October 6th, 2012 and the Geotechnical Investigation Report submitted by Houle Chevrier Engineering dated December 10, 2012.
8. The Applicant shall demonstrate, in accordance with Ministry of Natural Resources and Township requirements, that the bedrock present on the site is not feasible for viable economic extraction and if it is feasible, that the residential development of the lots would not constrain any future extraction operation.
9. The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.

Rideau Valley Conservation Authority – March 19, 2013

Further to our letter dated July 27, 2012, the RVCA has received direction from the County that the proposed development may proceed via consent. In addition the County in consultation with the Township has provided direction that a hydrogeological terrain analysis and a stormwater management plan will not be required to support these applications. Therefore we are providing our comments within the context of Sections 2.1 Natural Heritage 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 B12/069

The proposal is for the severance of 1.3 ha parcel from the existing 17.1 ha parcel. It is noted that this is the first application of consent of 3 that would ultimately create 4 lots from the existing 17.1 ha parcel.

PROPOSAL B12/070

The proposal is for the severance of 1.6 ha parcel from the existing 17.1 ha parcel. It is noted that this is the second application of consent of 3 that would ultimately create 4 lots from the existing 17.1 ha parcel.

PROPOSAL B12/071

The proposal is for the severance of 1.5 ha parcel from the existing 17.1 ha parcel. It is noted that this is the third application of consent of 3 that would ultimately create 4 lots from the existing 17.1 ha parcel.

PROPERTY CHARACTERISTICS

The entire severed and retained parcels have been identified as a Significant Woodland in the Township's Official Plan.

A good portion of the severed parcels and portions of the retained parcel have been identified as Organic Soils in the Township's Official Plan.

REVIEW

Natural Hazards

In accordance with the Township's Official Plan, the applicant has submitted a geotechnical report to address the Official Plan and Provincial Policy requirements for natural hazards. The report "RE: Geotechnical Investigation, Lot 6, Concession 9, Pinery Road, Montague Township, Ontario" dated December 10, 2012 prepared by Houle Chevrier investigated the general subsurface conditions at the site by means of limited number of test pits and, based on the factual information obtained. The report concludes that based on the local geology maps, it is considered likely that the surficial deposits at this site consist of a thin layer of organic material overlying interbedded sandstone and dolostone bedrock of the March formation, Topsoil at the test pit locations consisted of dark brown silty sand and contained organic material. The report has made specific recommendations for the proposed development including the construction of the foundation and how to overcome the natural hazard of organic soils on the severed and retained lands. Therefore it is imperative that this information is registered in an agreement for the severed and retained parcel.

Natural Heritage

Significant Woodlands

Severed Parcel (Lot C) B12/069

In accordance with the Township's Official Plan, the applicant has submitted an Environmental Impact Statement dated October 6, 2012 prepared by Pinegrove Biotechnical. Based on the author's original assessment of the site, revisions to the proposed severance applications have been made to locate the parcels in the north-west corner of Lot 6. The report concludes that there will be no negative impacts upon Significant Wildlife Values, and very limited impacts upon the Interior Forest Character which render the area a Significant Woodland subject to the report's recommendations.

Severed Parcel (Lot B) B12/070

In accordance with the Township's Official Plan, the applicant has submitted an Environmental Impact Statement dated October 6, 2012 prepared by Pinegrove Biotechnical. Based on the author's original assessment of the site, revisions to the proposed severance applications have been made to locate the parcels in the north-west corner of Lot 6. The report concludes that there will be no negative impacts upon Significant Wildlife Values, and very limited impacts upon the Interior Forest Character which render the area a Significant Woodland subject to the report's recommendations.

Severed Parcel (Lot A) B12/071

In accordance with the Township's Official Plan, the applicant has submitted an Environmental Impact Statement dated October 6, 2012 prepared by Pinegrove Biotechnical. Based on the author's original assessment of the site, revisions to the proposed severance applications have been made to locate the parcels in the north-west corner of Lot 6. The report concludes that there will be no negative impacts upon Significant Wildlife Values, and very limited impacts upon the Interior Forest Character which render the area a Significant Woodland subject to the report's recommendations.

Retained Parcel

The ETS has concluded that the re-configuration of the severed parcels to the northern fringe will result in the ephemeral pool, the western wetland, the wildlife corridor and the main portion of the forested lands on the west side of the Pinery Road to remain unaltered.

CONCLUSION

In conclusion the Conservation Authority has no objection to this application for consent subject to the following conditions:

Severed Parcels

1. That the applicant enter into a development agreement with the Township to the satisfaction of the Conservation Authority that includes the following clauses:
2. That the Owner acknowledges and agrees to implement all of the recommendations in the EIS "*Environmental impact Statement for Mr. Josh Jackson — RE: Severance, Part Lot 6, Concession 4, Montague Twp., Lanark County*" dated October 6, 2012 prepared by Hans Von Rosen, Pinegrove Biotechnical.
3. That the Owner acknowledges and agrees that the run-off of any building is to be captured by eaves troughs, and led into "French Drain" type ground re-infiltration pits.
4. That the Owner acknowledges and agrees that tree removal between the road and future buildings are to be kept to an absolute minimum.
5. That the owner acknowledges and agrees that the access lanes and parking sites to be created with crushed gravel surfaces, to allow ground re-infiltration of rain waters.
6. That the Owner acknowledges and agrees to implement all of the recommendations in the geotechnical report "*RE: Geotechnical Investigation, Lot 6, Concession 9, Pinery Road, Montague Township, Ontario*" dated December 10, 2012 prepared by Houle Chevrier.

Retained Parcel

1. That the applicant enter into a development agreement or site plan agreement with the Township to the satisfaction of the Conservation Authority with the wording as requested in application B069/12.

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

The following lots for severance were originally inspected on August 17, 2012. As observed at that time, rock is within 0.3m or less of grade and there is little topsoil available.

The Geotechnical Investigation document and the Environmental Impact Statement and revised Application for consent have been reviewed.

Based on the original observations and the information provided, our office has no objection to the revised submission. The potential lots will be of sufficient size to support a conventional Class 4 septic system.

The septic systems will need to be partly to fully raised, depending on the exact site of the system, utilizing imported sandy loam fill. A clay seal will be required beneath the leaching bed. It is recommended that the layout of the building envelope is consistent among the lots. For example, wells in the front and septic systems in the rear. This will allow for maximum separation between wells and septic systems, as well as aid in surface water drainage improvements.

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**

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

Benoît Comeau

1259 Pinery Road, RR 6, Smiths Falls, Ontario K7A 4S7
Telephone: 613-284-5232

RECEIVED
LANARK
COUNTY

FEB 15 2013

Clerk's Department

February 7, 2013

Mary Kirkham
Planning Administrator
County of Lanark
Administration Building, 99 Christie Lake Road
Perth, Ontario K7H 3C6

Dear Ms. Kirkham:

Subject: Notice of Applications for Consent in connection with your file numbers
B12/066, B12/067, B12/068, B12/069, B12/070 and B12/071
Pt. Lot 6 Conc. 9 – Township of Montague

I am a resident and landowner in Montague Township. I am in receipt of two notices related to applications for consent from your office. I am the owner of properties adjoining the lands that are subject to the above-noted applications.

Submission

I plan to attend the public meeting(s) held on these matters. Subject to information submitted to the Land Committee Division and tabled at the public meeting(s), I am generally supportive of the applications to sever residential building lots on the subject lands.

Public Meeting(s)

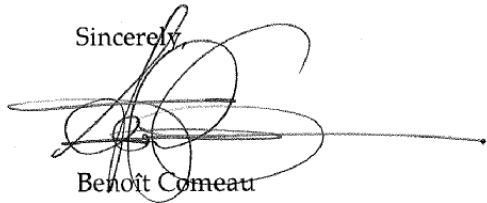
I hereby request that I be advised of any and all public meetings (dates and locations) held in connection with the above-noted applications.

Notice of Decision

I hereby request that I be notified of any and all decisions made by the Land Division Committee in connection with the above-noted applications.

If you have any questions or further information to offer as it may relate to this correspondence, please do not hesitate to contact me.

Sincerely,



Benoît Comeau

cc: ZanderPlan Inc.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever three (3) residential building lots (1.5-ha, 1.6-ha and 1.5-ha) and retain a 12.7-ha vacant landholding. All the lands are currently vacant. The original submission for these applications showed three lots 3.7-ha, 4.6-ha and 3.8-ha with a retained lot of 5.1-ha. Both the Health Unit and Conservation Authority were concerned with location of these lots in proximity with the Pinery Road PSW, therefore an EIS and Geotechnical Investigation were undertaken to ensure that development could occur. As a result of these two reports, the application were revised as shown above.

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

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

Soils Inventory – Name: Brooke

- Stoniness: slightly stony
- CLI: 6 – natural grazing only
- Drainage: poor
- Hydrogeology: slow infiltration

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 meets the minimum lot frontage and size. 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

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

Ms. Zander provided a brief overview of the applications, noting that originally the submissions were for 3 large lots, and through consultation with the Conservation Authority was required to provide an EIS and Geotechnical Investigation which resulted in three smaller lots and with a large retained lot.

Ms. Zander also entered into the public record the following e-mail from Karl Grenke, Planner for the Township of Montague:

"Regarding the groundwater condition, that condition has been typically included in Montague severances and at the request of the CAO. While it is not something we ask for in D/NE for most severances, Montague's Official Plan is a lot more specific with regards to groundwater and notes that almost the entire Township (other than the area around Andrews ville) is considered to be highly vulnerable to aquifer contamination because of the predominance of shallow overburden (Section 2.21.1.3 of the OP). As such there is a clearer concern expressed regarding water quality/quantity. I talked to Glenn about this when I started with the Township and it was his preference that we ask for well tests to ensure that we know the lots are fully buildable (i.e. have a viable source of water). Ultimately having a well in place would add some value to the property anyway and I while think the Plan supports well testing/drilling in most cases, the wording of the condition does typically allow some to demonstrate the adequacy of the water to the Township.

The bedrock policy is one of those new policies just coming out with this new Official Plan and Section 2.17.1 (Development Adjacent to Mineral Resources) only supports development on or adjacent to bedrock resources if the viability of a future commercial extraction is not impacted. Typically to implement that condition we would require a compatibility study however in this case, given that only the very edge of the deposit intersects with these lots and that there are already some dwellings in between the bulk of the deposit and this the Jackson lots I'm not too concerned that this severance would create a constraint that wouldn't have already have existed and as such I didn't request the study as a condition. In situations such as this it is our internal policy to use discretion on whether to ask for a study. However I wanted to bring it to the Land

Division Committee's attention and consideration. At this point I won't need anything from you."

In light of the foregoing, the Committee agreed that the bullet 8 contained in the Municipal Reply would not be required as a condition of severance. The Committee agreed that there is a concern with potentially 8 new wells in close proximity and therefore would require that a 'note' be included in the provisional conditions for the applicant to have consideration for MOE Guideline D-5-5.

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: Conditions 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 applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of March 19, 2013, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority. The Development Agreement and/or Site Plan Agreement shall apply to both the severed and retained lots.
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. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. The Applicant shall demonstrate to the satisfaction of the Township of Montague that adequate ground water supply exists to service the intended single family residential use. The applicant shall consult directly with the Township in this regard.
10. 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).
11. A letter shall be received from Rideau Valley Conservation Authority stating that condition #3 has been fulfilled to their satisfaction.
12. A letter shall be received from the Township of Montague stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that the septic systems will need to be partly to fully raised, depending on the exact location of the system, utilizing imported sandy loam fill. A clay seal will be required beneath the leaching bed. It is recommended that the layout of the building enveloped is consistent among the lots. For example, wells in the front and septic systems in the rear. This will allow for the maximum separation between wells and septic systems, as well as aid in surface water drainage improvement.*
2. *The applicant is advised that a fee of is payable to the Conservation Authority for a "Clearance of Conditions" letter.*
3. *MOE Guideline D-5 is intended to guide municipal land use planning for sewage and water servicing such that planning decisions are consistent with the Provincial Policy Statements. The applicant should have consideration for Guideline D-5-5 Technical Guideline for Private Wells: Water Supply Assessment where more than 5 five lots are being created.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Aron Gabor

Hearing Date: April 9, 2013

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B12/144

Municipality: Beckwith

Geographic Township: N/A

Lot: 18 Con 1

Roll No. 0924 000 015 00100

Consent Type: New lot

Purpose and Effect: To sever a 1.63-ha residential lot (at 1287 Bourne Road) and retain a 37.12-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Vacant / Wetland
Proposed Use	Residential	Vacant / Wetland
Area	1.63 ha	37.123 ha
Frontage	102.6 m	124 m
Depth	170 m Irregular	Irregular
Road - Access to	Municipal Road	Municipal Road
Water Supply	Private Well	Proposed Well
Sewage Disposal	Private Septic	Proposed Septic
Official Plan Designation -Conformity?	Rural and Wetland Yes	
Zoning Category	Rural	Rural and Wetland
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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.

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.

Zoning By-law -

The subject property is currently zoned Rural 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.

(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 – Planner's Report

EXECUTIVE SUMMARY

The applicant has submitted a consent application to the County of Lanark to create a new parcel within the Township. The proposed severance would sever the existing dwelling from the retained lands. The proposed lot conforms to the minimum frontage and area requirements. The retained lands contain sufficient area for a building envelope. The natural features towards the rear of the property are not affected by the consent application.

PURPOSE AND EFFECT OF APPLICATION

The purpose of the application is to sever an existing dwelling from the surrounding lands. The effect of the application would be to create a new parcel within the Township and permit a new dwelling to be constructed on the retained lands.

NOTICE OF APPLICATION

Notice of the application was distributed to residents within 60m of the subject property. The County of Lanark distributed the public notice, while municipal staff prepared the circulation list.

DESCRIPTION OF SUBJECT LANDS

The subject property is approximately 95 acres and is composed largely of naturally vegetated lands within the northern portion of the property, with wetland areas in the rear of the property. The property was severed twice in 2010/2011. The application would sever the existing dwelling from the surrounding lands and permit a new dwelling to be constructed on the retained lands.

PROVINCIAL POLICY STATEMENT

Section 1.1.4 of the PPS regards development within rural areas of municipalities. These policies permit limited development where services are available and in place. The proposed severance has frontage on an open and maintained road, and is adjacent to existing dwellings that the municipality provides garbage collection and emergency services to.

There do not appear to be any natural features within the area of proposed severance on the subject property.

OFFICIAL PLAN

The property is designated as Rural lands, with areas of Wetland designation towards the rear.

Section 4.5 allows original Township lots to be severed a maximum of three times plus the retained lands. The property has already been severed twice and therefore qualifies for one final severance. The proposed severance has approximately 103m of frontage and is approximately 1.6 ha. These dimensions exceed the minimum requirements of the Official Plan. There do not appear to be any agricultural operations in the surrounding area that would require an MDS calculation.

The lands towards the rear of the property designated as Wetlands are not affected by this application. These lands will remain in their current ownership and remain undeveloped.

ZONING BY-LAW

The subject lands are zoned Rural, Flood Plain and Wetlands. Within the RU zone, minimum lot size is 4,000m² and minimum frontage is 45m. The proposed severance is approximately 16,000m² and will have 103m of frontage on Bourne Road.

The lands zoned Flood Plain and Wetlands are not affected by this application and there is no development proposed within these areas. The retained lands will qualify for the construction of a new dwelling; however, the dwelling must be located within the Rural zone. There is sufficient area within the Rural zone to permit the dwelling.

The proposed severance conforms to the requirements of the zoning by-law.

OPTIONS / ANALYSIS

The property qualifies for a final consent application to create the third and final lot. The proposed lot contains an existing dwelling and the severance proposal appears to satisfy

all required setback distances. The retained lands have sufficient area to build a new dwelling and the natural features towards the rear of the property are not affected by the application.

COMMENTS

No comments have been received by the Township.

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;
3. That the applicant confirms with the Township of Beckwith Public Works Superintendent that an entrance permit for the retained lands is feasible;

Advisory Note:

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 – Rideau Valley Conservation Authority

PROPOSAL

The proposal is to sever a new residential lot from the existing parcel. The severed parcel will contain the existing residence and outbuildings.

PROPERTY CHARACTERISTICS

The severed parcel is mainly cleared with a treed area on the western property line. The severed parcel contains a residence and several outbuildings. The northern portion of the retained parcel is mainly cleared with small areas of trees while the southern half is primarily forested. A good portion of the southern half of the retained parcel has been identified as being within the North Much Lake Provincially Significant Wet land.

REVIEW

Natural Hazards

The Township's Official Plan had identified Floodplain on the southern portion of the retained parcel. There is a large portion of the retained property entirely outside of the identified floodplain. Therefore there is a sufficient building envelope on the retained parcel outside the floodplain. There has been no floodplain identified on the severed parcel.

Natural Heritage

Provincially Significant Wetland

A good portion of the southern half of the retained parcel has been identified as being within the North Mud Lake Provincially Significant Wetland and the 120 metre adjacent lands. In addition a watercourse has been identified traversing the retained parcel within the wetland boundary. A portion of the severed parcel has been identified within the 120

metre adjacent lands to the North Mud Lake Provincially Significant Wetland. 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.
- Any development within a PSW and the 120 metre adjacent lands requires the written approval of the Conservation Authority. Development within a PSW is not permitted.

For the purpose of this application there is a sufficient building envelope on the northern portion of the retained parcel entirely outside of the North Mud Lake Provincially Significant Wetland and the 120 metre adjacent lands. The development on the severed parcel has already been established with the residence and the outbuildings.

CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this consent application. Thank you for the opportunity to comment. Please forward notice of the Authority’s decision on this application to the office of the Rideau Valley Conservation Authority at the address noted below. Please contact me at ext. 1191 if you have any questions.

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed – A 1.63 hectare parcel of land with an existing house serviced by a fully raised septic system. Land has shallow natural soil depths. Additional sandy loam fill will be required in area of future replacement system.

A 37.12 hectare parcel of land that is a combination of shallow soil depth. Additional sandy loam fill will be required in area of future tile bed.

Hydro One Networks – No comments were received.

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

(c) **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 1.63-ha residential lot with an existing single family dwelling located as 12.87 Bourne Road and retain a 37.12-ha vacant landholding.

The subject lands are located in an area characterized by Residential on large landholdings interspersed with typical residential building lots along Bourne Road. This application represents the third consent from this landholding.

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

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

Bedrock Inventory – Dolostone, sandstone

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 been established by the Township of Beckwith.

Zoning

The subject property is currently zoned Rural Residential which permits a variety of uses including single family dwellings. The lot to be severed exceeds 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 9, 2013**

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

Mr. Gabor noted that the outbuildings on the lot are for storage only, and are not used livestock housing.

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 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. The applicant shall confirm that a residential entrance to the retained lot is viable. The applicant shall consult directly with the Township of Beckwith in this regard.
6. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that a good portion of the southern half of the retained parcel has been identified as being within the North Mud Lake Provincially Significant Wetland and the 120 metre adjacent lands. In addition a watercourse has been identified traversing the retained parcel within the wetland boundary. A portion of the severed parcel has been identified within the 120 metre adjacent lands to the North Mud Lake Provincially Significant Wetland. 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.*
 - *Any development within a PSW and the 120 metre adjacent lands requires the written approval of the Conservation Authority. Development within a PSW is not permitted.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of any future replacement septic system on the severed lands. And that additional sandy loam fill will be required in the area of a future tile bed area on the retained lands.*
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: Pauline McNamee, Allan McNamee, **Hearing Date:** April 9, 2013
 John McNamee, Walter McNamee, Peter McNamee

Applicant: John McNamee

Agent: Tracy Zander, ZanderPlan

LDC File #: B12/153

Municipality: Tay Valley Township

Geographic Township: North Burgess **Lot:** 19 **Con** 9

Roll No. 0911 911 015 61500 **Consent Type:** New Lot

Purpose and Effect: To sever a 21.6-ha vacant landholding and retain a 26.2-ha vacant landholding. The lands are accessed via Scotch Line Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Vacant	Vacant Vacant
Area Frontage Depth Road - Access to	21.9 ha 250 m 865m – 899 m Irregular County Road	26.2 ha 324 m 899 m – 1,036 m Irregular County Road
Water Supply Sewage Disposal	None Proposed None Proposed	None Proposed None Proposed
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.405-ha Yes 60 m Yes	Rural 0.405-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

1.6 Infrastructure and Public Service Facilities

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

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 21.9 ha vacant landholding and retain a 26.2 ha landholding on Scotch Line Road. OP Designation Rural – applicable sections 5.2 Land Division and 3.6 Rural.

Zoning By-law Category – rural – applicable sections 10.2 – severed lot: 21.9 ha with 250 metres frontage; retained lot 26.2 ha with 324 metre frontage. Both lots meet minimum zoning provisions.

RVCA has no objection to this application, provided that the standard 30 metre setback from creeks and wetland is observed for any development and disturbance.

MRSSO has no objections to the severance as proposed. The topography and area for both the severed and retained lots are adequate to support the installation of an OBC compliant septic system greater than 30 mm from all water bodies. Tertiary treatment of onsite wastewater would reduce the amount of imported sand fill required and provide higher quality effluent prior to entering the environment.

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

- Payment of all taxes owing
- Payment of all cost incurred by the Township for Review
- Copy of Deed/transfer
- 1 copy of the reference plan
- \$100 cash in lieu of parkland

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the

Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act and as regards Section 35-1 of the federal Fisheries Act.

We offer the following comments for the Committee's consideration:

Proposal

The application seeks approval for the creation of a lot 21.9 ha, retained lot 26.2 ha on a property, zoned Rural.

The Property

The property has an undulating topography with an apparent drainage divide for local watersheds. Our mapping shows that the property is traversed by 3 separate watercourses:

- a tributary of Grant's Creek and on the south, with associated local wetlands adjoining the creek;
- a second "branch" tributary of Grant's Creek on the north portion of the property (proposed severed lot);
- a third watercourse (and a small area of adjoining local wetland around the west lot line) draining west to outlet some distance from the property into Pike Lake.

We have identified no other natural heritage or natural hazards on the proposed severed lands,

Review Comments and Recommendations

The Conservation Authority recommends a minimum 30 metre development and disturbance setback be applied to the watercourse and wetland areas. The Rideau Valley Conservation Authority has no objection to this application, with the above provision.

Notes

Written approval from the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174/06 (Interference with Wetlands, Development and Alterations to Shorelines and Watercourses").

On-Site Services (Septics) – Mississippi Rideau Septic 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 January 4, 2013.

The applicant proposes to sever approximately 21.9 hectare parcel, for the purpose of creating a new lot. The proposed lot is currently vacant with heavy tree cover, open areas, and a large pond that bisects the proposed lot approximately 250m North West of Scotch Line. No test pits were provided.

The retained parcel is approximately 26.2 hectares. The retained lot is vacant with heavy tree cover, open areas, and a large pond that bisects the retained lot. 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 water bodies. There may be shallow soils or exposed bedrock, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site wastewater would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system in the future. Given the above information, our office has no objections to the severance as proposed.

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

County Roads Department

Lands to be severed have an approved entrance location. Permit #2419. Lands to be retained have an approved entrance location. Permit #2409 applies. Full applications must be submitted and entrances installed prior to deed endorsement.

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

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

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

Hydro One Networks – No comments were received.

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

(c) 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 lot 21.9-ha landholding and retain a 26.2-ha landholding.. All the lands are currently vacant.

The subject lands are located in an area characterized by Residential on large landholdings along the north side of Scotch Line Road and smaller type residential lots on the south side, between Pike Lake and Scotch Line Road.

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

Soils Inventory – Northern Section	Southern Section
- Name: Monteagle	Monteagle
- Stoniness: very stony	slightly stony
- CLI: 7- no capability for agri.	4 – severe limitations
- Drainage: well	well
- Hydrogeology: moderate	moderate

Bedrock Inventory – grandiorite, granite, syenite

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan – under review by 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 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 Tay Valley and could be given favourable consideration.

(e) **MINUTES – April 9, 2013**

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

Ms. Zander advised that the current entrance to the lot is via the unopened road allowance between lots 18 and 19 onto Scotch Line Road. This entrance would be abandoned as the new lots (severed and retained) would each have their own entrance as approved by the County Public Works Dept.

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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
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. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).

8. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
9. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
10. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.
11. Sufficient lands shall be deeded to "The Corporation of the County of Lanark", along the frontage of the lot to be severed, to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant will be requested to enter into a land purchase agreement with the County. "In Preparation" transfer documents are to be submitted to the Lanark County Public Works Department for review and approval, prior to registration, accompanied by a Solicitor's Certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The County of Lanark Construction Supervisor shall be consulted, prior to commencing a survey, to determine the amount of road widening required. The reference plan, describing the road widening, must be approved by the Lanark County Public Works Department prior to registration. Following registration, one copy of the plan shall be forwarded to the County of Lanark Public Works Department.
12. A letter shall be received from the County of Lanark Public Works Department stating that condition #9 through #11 has been fulfilled to their satisfaction.
13. A letter shall be received from Tay Valley Township stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *Written approval from the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of the Creek as per our Regulation 174/06 (Interference with Wetlands, Development and Alterations to Shorelines and Watercourses)".*
2. *The Rideau Valley Conservation Authority recommends a minimum 30 metre development and disturbance setback be applied to the watercourse and wetland areas.*
3. *The MRSSO advise that 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 water bodies**. There may be shallow soils or exposed bedrock, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site wastewater would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.*

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Stephen & Maureen McParland Hearing Date: April 9, 2013

Agent: Marie R. White

LDC File #: B12/155

Municipality: Tay Valley Township

Geographic Township: North Burgess Lot: 24-26 Con 8

Roll No. 0911 911 015 40000 Consent Type: Lot Addition

Purpose and Effect: To sever a 0.6-ha parcel of land as a lot addition to lands owned by Marie R. White at Pt. Lot 25 Conc 8 North Burgess and retain a 28.4-ha vacant landholding. The lands are accessed via Pike Lake Route 13A

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Agricultural (Hay Field) Agricultural (Hay Field)
Area Frontage Depth Road - Access to	0.6 ha 76 m 100 m Irregular Registered R-O-W	28.4 ha 840 m 300 m – 400 m Irregular County Road and Reg. R-O-W
Water Supply Sewage Disposal	n/a n/a	Private Well Private Septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	0.405-ha Yes 60 m Yes	0.405-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

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

limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

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

2.2 Water

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

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

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 4.5 Private Road, Section 5.2 Land Division. Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 3 General Provisions, Section 10 Rural Zone. Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report

The proposal is to sever a 0.6-ha parcel of land as a lot addition, and retain a 52.7 ha vacant landholding. Applicable Section: 5.2 Land Division, 3.6 Rural.

Zoning By-law Category: Rural (retained), Seasonal Residential (lot to gain addition).

Applicable Sections: 10.2 – severed lot: 0.6 ha as a lot addition to a 0.4 ha existing lot; Retained lot: 52.7 ha with 300 + metre frontage. Both lots meet the minimum zoning provisions.

RVCA has verbally confirmed no objections to this application, provided that any future development is behind the current cottage.

MRSSO has no objections to the severance as proposed. The topography and area for both the severed and retained lots are adequate to support the installation of an OBC compliant septic system greater than 30 m from all water bodies. Tertiary treatment of onsite wastewater would reduce the amount of imported sand fill required and provide higher quality effluent prior to entering the environment.

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

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act and as regards Section 35-1 of the federal Fisheries Act.

We offer the following comments for the Committee's consideration:

Proposal

The application seeks a waterfront lot addition of .6 hectare (63 m waterfront, irregular 52-100 metres depth) to be added to the existing developed lot.

The retained parcel will continue to enjoy 28.4 hectares, with about 150 metres of combined total hard waterfront according to our information, as 2 separate sections of shoreline (approximately 62 metres in the central portion and 100 metres on the west boundary- not including the wetland denoted at the creek outlet).

The Property

The site is typical shield land, shallow fast draining soil cover with rock surfacing across the existing lot. The cottage lot, to which the lot addition will apply, sits at the crest of the shoreline slope, within approximately 6 metres of the high water mark of Pike Lake. The remainder of the lot, in the area of existing development is level to the right-of-way, extending approximately 50 metres to the rear of the lot. This level area extends on to the northeast (rear) portion of the lot addition.

The waterfront/shoreline of the proposed lot addition consists of a large outcrop, in effect, making for a steep slope extending from the lake well back from the shoreline on to the lot. The steep slope/outcrop becomes more pronounced proceeding west along the shoreline of the proposed new lot, making any access and/or development difficult along this frontage.

The waterfront of the current lot has not been greatly altered except in/around the dock area.

Review Comments and Recommendations

Should redevelopment be proposed on the “new” lot, the Rideau Valley Conservation Authority would recommend that consideration be given to the current development and disturbance distances from Pike Lake. For future reference, we note that we would support greater disturbance and development setbacks to be invoked if/when such redevelopment of the new lot is proposed. Based on the findings and recommendations of the Rideau Lakes Study, the related Municipal Site Plan Evaluation Guidelines and the current municipal planning standards, we strive to achieve or more closely approach the 30 metre water setback for development when the opportunity permits.

We encourage the owners to continue to protect the shore area, fish habitat and recreational water quality of the Lake by maintaining (or enhancing) the native vegetative cover along the waterfront. The RVCA offers advice and assistance for native planting in this respect. Our Landowner Resource Centre at 1-800267-3 504 can refer to the appropriate program.

We note the watercourse and small local wetland identified on the west end of the retained parcel. The RVCA supports adequate setbacks from water and wetland to address site conditions.

We have identified no other natural heritage features or natural hazards on the proposed severed lands.

The Rideau Valley Conservation Authority has no objection to this application provided adequate waterfront and wetland setbacks are respected.

Notes

'Written approval from the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the shoreline of Pike Lake or the creek/wetland on the retained lot as per our Regulation 1 74/06 (Interference with Wetlands, Development and Alterations to Shorelines and Watercourses").

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 January 4, 2013.

The applicant proposes to sever approximately 0.6 hectare parcel, for the purpose of a lot addition. The proposed lot is currently vacant with heavy tree cover, exposed rock. No test pits were provided. The proposed lot is intended to be added to 200 Pike Lake Route 13A. This lot is developed with a dwelling, and shed. A wastewater system was not identified during our site visit.

The retained parcel is approximately 28.4 hectares. The retained lot is vacant with sporadic tree cover, open areas, and exposed bedrock. The property is currently is used for agriculture (Hay Field). 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 water bodies. There may be shallow soils or exposed bedrock, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site wastewater would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system in the future. The lot addition to 200 Pike Lake Route 13A will ensure there is adequate area to service the existing dwelling. 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.

Pike Lake Cottage Association – 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 0.6-ha parcel of land as a lot addition to lands owned by Marie Reine White at Con. 8 Pt. Lot 25 North Burgess being Part 2 on Plan 27R-2249 (200 Pike Lake Rte 13A) and 28.4-ha vacant landholding.

The subject lands are located in an area characterized by Seasonal Residential and Residential on typical 'cottage' type lots along the shore of Pike Lake.

The lands are accessed via Pike Lake Lane 13A, a private road, which adjoins Scotch Line Road, a county maintained road.

Bedrock Inventory – marble, calc-silicate.

Pike Lake

A ‘State of the Lake Environment Report’ was undertaken on Pike Lake between 2001 and 2008. The report was able to conduct a comparison between water quality conditions as they existed in 2008, to results obtained 35 years earlier. In general the lake is in reasonably good shape. Test results for the lake vary greatly, depending on weather conditions of the previous year, winter temperatures, spring runoff and temperature and precipitation pattern through the spring and into the summer. The sampling over time has not provided a definitive pattern to the elevated nutrient concentrations. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Neither species were detected. Precautions need to be taken to avoid the spread of invasive species from other lakes.

Archaeological

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

Mining

The Tay Valley Official Plan indicates that the lands in this area may have historical mining sites, which could be little more than minor ground disturbances to major excavations and/or shafts. The agent consulted with Northern Mines and Development who has identified mine hazards in the area but none on the lands owned by the applicant. As a precaution, a note should be in the decision that the Ministry of Northern Development and Mines be consulted should an excavation and/or shaft be discovered.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - under review by 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. The property that will be enlarged with this severance is zoned Residential Seasonal (RS) the additional lands will enlarge the existing parcel to

meet the current Zoning By-law requirements.

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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – April 9, 2013**

Marie White, 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 lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Marie Reine White described as Part 2, Plan 27R-2249, Con 8 Pt. Lot 25 North Burgess, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further

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

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with 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. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *Written approval from the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the shoreline of Pike Lake or the creek/wetland on the retained lot as per our Regulation 174/06 (Interference with Wetlands, Development and Alterations to Shorelines and Watercourses”).*
2. *The MRSSO advise that there may be shallow soils or exposed bedrock, a clay seal and significant amounts of imported sand fill maybe required to construct a conventional septic system. Tertiary treatment of the on-site wastewater would reduce the amount of imported sand fill required and also provides higher quality effluent prior to entering the environment.*
3. *The applicant is advised that any new development may be subject to “Site Plan Control”.*
4. *Residents and users of Pike Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from other lakes.*
5. *The applicant / purchaser is advised that if during the process of development*

The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.
6. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the*

developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.

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

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

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

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