



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, June 9, 2014 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
G. Welsh, Administrative Assistant

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-2014-20

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

“THAT, the minutes of the Land Division Committee meeting held on May 13, 2014 be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2014-021

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

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

6.1 Vincent Dagenais Gibson (for Francois Landry)

Request to waive application fees for re-submission of a consent application which lapsed. Additional information provided as requested.

Note: By-law No. 2013-45 Tariff of Fees, does not have a clause to provide for 'waiving of fees'.

MOTION #LD-2014-22

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

"WHEREAS, the Notice of Decision dated January 29, 2013 and the Notice of No Appeals, dated February 19, 2013 for Application B12/148, clearly states that the applicant has one year or until February 18, 2014 to clear all conditions outlined in the Notice of Decision, in accordance with the Planning Act;

AND WHEREAS, the County of Lanark Land Division Office did not receive a clearance letter from the Town of Carleton Place, as outlined in the Provisional Conditions as Condition No. 11, which was a requirement to complete the consent process within the timeframe outlined in Condition No. 1;

NOW THEREFORE, the request to waive the fees for a future Consent Application for the same land parcel be refused."

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 B13/145 B13/146, B13/147 and B13/148 – William and Andrea Lothian – 4 new lots.

Pt. Lot 12 Conc 8 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Armstrong Sideroad and Drummond Con 9A.

7.1.2 B13/151 – Eldon and Nancy Cavanagh – new lot

Pt. Lot 8/9 Conc 12 geographic Township of Pakenham, now in the Town of Mississippi Mills. Timmins Road.

7.1.3 B13/155 – JoAnn and Wayne Sullivan – lot addition & easement

Pt. Lot 12 Conc 3 Township of Beckwith. Richmond Road.

7.1.4 B13/166 - Anthony and Jean Whieldon – new lot

Pt. Lot 19/20 Conc 10 geographic Township of Bathurst, now in Tay Valley Township. Bennett Lake Road.

7.1.5 B14/013 – Estate of Robert Charles Lyle – lot addition

Pt. Lot 16 Conc 12 geographic Township of Ramsay, now in the Town of Mississippi Mills. March Road.

7.1.6 B14/008 – Rick and Jennifer Villemure – lot addition

Pt. Lot 18 Conc 10 geographic Township of Ramsay, now in the Town of Mississippi Mills. Ramsay Con 11A.

7.1.7 B14/016 – William Watson – lot addition

Pt. Lot 6 Conc 8 geographic Township of Lavant, now in the Township of Lanark Highlands. Rogers Lane.

7.1.8 B14/022 – Carl Molson – lot addition

Pt. Lot 1 Conc 3 geographic Township of Drummond, now in the Town of Perth. Dufferin St/Lanark Road.

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 B13/110 – Matt McNeeley and Carol McNeely – new lot

Pt. Lot 1 Conc 9 Lanark, now in the Township of Lanark Highlands.

As instructed a registered letter was sent to Laura Fraser applicant on May 15, 2014, requesting submission of an MDS calculation report. No response has been received.

The Secretary to follow-up with a further phone call/e-mail and report to the next meeting.

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 Hydrogeological Investigations – held over

9.2 OACA Conference Report – committee members provided an overview of the conference held on May 23 to 25, 2014 in Blue Mountain.

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 B13/145 B13/146, B13/147 and B13/148 – William and Andrea Lothian

10.1.2 B13/151 – Eldon and Nancy Cavanagh – new lot

10.1.3 B13/155 – JoAnn and Wayne Sullivan – lot addition & easement

10.1.4 B13/166 - Anthony and Jean Whieldon – new lot

10.1.5 B14/013 – Estate of Robert Charles Lyle – lot addition

10.1.6 B14/008 – Rick and Jennifer Villemure – lot addition

10.1.7 B14/016 – William Watson – lot addition

10.1.8 B14/022 – Carl Molson – lot addition

7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 B13/110 – Matt McNeeley and Carol McNeely – new lot
Pt. Lot 1 Conc 9 Lanark, now in the Township of Lanark Highlands.

As instructed a registered letter was sent to Laura Fraser applicant on May 15, 2014, requesting submission of an MDS calculation report. No response has been received.

10.2 PROVISIONAL CONSENT DEFERRED

10.2.1 B13/151 – Eldon and Nancy Cavanagh - new lot

MOTION #LD-2014-023

MOVED BY: W. Guthrie

SECONDED BY: D. Murphy

“THAT, application B13/151 be deferred to provide the applicant an opportunity to undertake a thorough search on when the lands became merged on title and also to confirm the zoning designation (Agriculture vs Rural); **AND** that this deferral continue until the applicant requires that the matter be reconvened.”

ADOPTED

11. UPCOMING MEETINGS

Monday, August 11, 2014 @ 9:00 a.m. LDC Meeting;
Friday, August 15, 2014 – Warden’s Golf Tournament, Lanark;
Monday, Sept. 8, 2014 @ 9:00 a.m. LDC Meeting;
Wednesday, Sept. 10 to Friday, Sept. 12, 2014 – OMEC, Kingston;
Tuesday, October 14, 2014 @ 9:00 a.m. LDC Meeting;

12. ADJOURNMENT – 12:20 p.m.

A handwritten signature in black ink, appearing to read "Mary Kirkham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William & Andrea Lothian **Hearing Date:** June 9, 2014
Agent: William & Andrea Lothian
LDC File #: B13/145, B13/146, B13/147 and B13/148
Municipality: Township of Drummond / North Elmsley
Geographic Township: Drummond **Lot:** 12 **Conc.:** 8
Roll No. 0919 919 020 05100 **Consent Type:** 4 New Lots

Purpose and Effect:

To sever four (4) new residential building lots (1.017-ha each) and retain a 35.0-ha landholding with and existing dwelling, horse barn and outbuildings located at 1612 Armstrong Sideroad. Three lots front on Drummond Con 9A and the fourth lot frontage onto Armstrong Sideroad.

DETAILS OF PROPOSAL	Land to be Severed		Land to be Retained
	B13/145-147	B13/148	
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Dwelling, Barn, other Bldg Same
Area	1.02-ha	1.02-ha	34.99-ha
Frontage	90 m	113 m	1074 m
Depth	113 m	90 m	270 m
Road - Access to	Municipal	Municipal	Municipal
Water Supply	Proposed	Proposed	Private Well
Sewage Disposal	Proposed	Proposed	Septic System
Official Plan Designation -Conformity?	Rural with Woodland overlay Yes		
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 0.4-ha Yes 45 m Yes		Rural 10.0-ha Yes 45 m Yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 3 General Provisions, Section 3.13.5 Significant Woodlands, Section 4.3 Rural Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

Thank you for circulating the Township of Drummond/North Elmsley on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the applicant seeks permission to sever three residential building lots (each being about 1 ha / 2.5 acres) fronting on

Drummond Concession 9 and a fourth 1 hectare lot accessed by Armstrong Sideroad. Both roads are municipally owned and maintained. The 35 ha retained lot has a dwelling with some outbuildings, with a civic address of 1612 Armstrong Sideroad. The Township's Official Plan allows a maximum of three severances from an area of land as it existed in 1979 but allows additional lots to be split from the parent parcel where it fronts on more than one public road. Three lots, fronting on Concession 8B, were taken off of the original parcel around 1988 however there have been none from the other two frontages. Since the Official Plan's land division policies do not prescribe a maximum number of lots when there is frontage on three roads staff interpret that intent to contemplate the creation of those lots on the two roads provided all other policies are met.

The Lothian property is designated Rural according to the Township's Official Plan and while there is some significant woodland on the retained lands, the severed portions are all within open field. In considering lot creation proposed on lands designated Rural, the intent of the Official Plan must be considered, which allows for limited residential development provided that it retains the character of the rural area. In this case, the three new lots are proposed in a landscape of farms, forest and scattered residential development, and this application will not fundamentally change the character of Concession 9A. While these lands are designated Rural, according to the Township's information the lands are designated as Class 3 soils, which would mean they would be considered prime farmland and this should be considered as per Section 4.3.2 of the Plan, particularly as agricultural uses are a predominant feature of that area (especially to the south and west).

Additionally, the severed lands are proposed in flat open areas, which is generally discouraged in the Plan. In evaluating applications in this context, the Township typically looks for proposed lots to be located in areas of lesser agricultural capability and oriented and sized in a way that minimizes the fragmentation of the agricultural land or impacting the rural landscape. The location of the three lots at the northern end of the property where there is a more mixed landscape is consistent with this intent, however Staff would suggest that the Land Division Committee consider requesting that the three and the Armstrong Sideroad lot be decreased in size in order to conserve more of the farmland. The proponents have identified a small horse barn on the retained lots and have undertaken an MDS calculation demonstrating an adequate setback from the proposed lot on Armstrong Sideroad.

With respect to natural heritage and human or natural hazards, no constraints were identified that would affect this application. While significant woodlands were noted on the subject property, they are far enough from the severed lands that no negative impact is anticipated. Township Staff additionally rely on the review of the appropriate conservation authority to identify natural hazards or heritage features that may not otherwise be identified and no concerns were raised there.

From a zoning perspective, the severed lands and the retained lands are zoned Rural and this application is consistent with all applicable provisions of the Township's Zoning By-law.

Township of Drummond / North Elmsley - Upon review of this application, Staff suggest that these applications are generally supportable, however recommend that smaller lot sizes be considered in order to minimize the utilization of the farmland. Provided this is resolved to the Committee's satisfaction, the Township of

Drummond/North Elmsley Township supports this application, subject to the inclusion of the following development 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 Civic Address Numbers from the Township of Drummond/North Elmsley for the severed lots. The applicant shall consult directly with the Township in this regard.
- 4/ The applicant shall confirm that residential entrances are viable from Armstrong Sideroad and Drummond Conc. 9A to the severed lands. The applicant shall consult directly with the Township in this regard.
- 5/ Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (4) vacant parcels of land, measuring 1ha and retain 35 ha. The retained is already developed with an existing dwelling and barns.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, an unclassified wetland exists in the northeastern section of the proposed retained land. Haley Creek travels through this wetland. No significant natural heritage features or natural hazards were identified on the proposed severed lands.

REVIEW

The retained lands are already developed with no new development proposed at this time. No natural hazards or natural heritage features were identified on the proposed severed lands. Therefore, impacts to these features are not anticipated as a result of the subject application.

RECOMMENDATIONS AND CONCLUSIONS

With the above in consideration, MVCA has no objection to the subject applications.

NOTES

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

We recommend that the wetland remain undisturbed.

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

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

Septic Office – LGL Health Unit

B13/145 – Flat lot on a cleared field that drains toward the southern end. 1.0 metre of silty clay soil on bedrock. Standing melt water at the southern edge of the lot.

Recommendation – this lot would be large enough to accommodate on-site sewage disposal. Imported leaching bed fill may be required to construct a conforming septic system.

B13/146 – Mostly flat lot that slopes slightly toward the north west and drops away at the southern edge. 0.5 to 0.75 metres of silty clay soil with good drainage. Recommendation – this lot would be large enough to accommodate on-site sewage disposal. Imported leaching bed fill may be required to construct a conforming septic system.

B13/147 – Lot on an open field that slopes gently toward the north west corner where Armstrong Site Road meets the 9th Concession. Good drainage 0.5 to 0.75 metre of silty clay soil. Recommendation – This lot is large enough to accommodate on-site sewage disposal. Imported leaching bed fill may be required to construct a conforming septic system.

B13/148 – Open field slightly sloping to the south. Fair drainage on 1 metre of silty clay soil. Recommendation – this lot would be large enough to accommodate on-site sewage disposal. Imported leaching bed fill may be required to construct a conforming septic system.

Retained Lands – Large property with an existing home and out buildings on a ridge in the middle of the property. Good drainage away from the existing home. 0.5 metre to 1.0- metre of silty clay soil. No obvious signs of failure for the existing septic system. Recommendation – severing this lot will not negatively impact on-site sewage disposal for the existing residence. There is sufficient area for a replacement system if required.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

Subsequent to review by our local Engineering department of the 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 objections 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:

Jim Umpherson – May 15, 2014

Thank you of your letter dated the 24th of April seeking recommendations in regards to an application to convey an interest in the subject lands by severing four building lots each 1.02 hectares in size.

I am not in support of the application for the following reasons:

1. The land in question is agricultural land which is being used as agricultural land and has been used as such for many years, very likely close to 100 years.
2. There already are three existing building lots along Drummond Concession 8, these are not developed and have been in existence for over 20 years.
3. There appears to already be no shortage of rural residential lots for sale in the area. In the May issue of Valley Seaway homes there are 82 homes listed just under Perth Rural Homes. In the same issue there are 49 building lots listed under the heading Perth and Area Lots and land. Of course these numbers do not capture those lots that do already exist in the area that are under private sale.

PUBLIC MEETING: Please notify me of any public meeting scheduled once you have completed your review of the proposal.

REQUESTING NOTICE OF DECISION: Please notify me of the decision of the Land Division Committee in respect of the proposed consent.

Thank you for seeking my recommendations regarding this Notice of Application for Consent.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever four (4) 1.017-ha residential building lots and retain a 34.9-ha landholding with an existing dwelling, horse barn and dilapidated barn located at 1612 Armstrong Sideroad. Three previous severances were taken from the original landholding in 1987, however consent policies were revised in 2012 which allowed for further development if the lands have frontage on two or more roads.

The subject lands are located in an area characterized by large landholdings, intermixed with smaller type residential lots.

The lands to be created by B13/145, B13/146 and B13/147 are accessed via Drummond Con 9A and B13/149 and the retained lands are accessed via Armstrong Sideroad, a municipally maintained road.

Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 181 m, the actual distance from

the barn to the closest proposed lot line for B13/148 is shown by the applicant as 180 m. The distance from the livestock operation to B13/145 to 147 is approximately 415 m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

The municipality has asked that the Land Division Committee consider requesting that the lot sizes be reduced in order to protect the existing lands which are being used for farming operation, however these lands have not been designated or zoned in the Township's Official Plan or Zoning By-law. The large size lots meet the MOE D-5-4 guidelines (Sec. 5.4 Lot Size Considerations) of 1.0 hectares for rural land development which Committee considers when reviewing rural consent applications. The committee may however, wish to consider requesting that the location of B13/148 be changed to abut the severances located along Drummond Con 8A.

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 2 – Moderate Limitation

- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – Dolostone, Sandstone

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- Eastern Meadowlark (THR)
- Bobolink (THR)

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 2/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands

subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed.

3/ Woodlands

The area has portion mapped as 'woodlands', however none on the proposed lands to be severed. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

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 lots meet 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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – June 9, 2014**

Bill and Andrea Lothian, owners attended the hearing and gave evidence under oath.

The committee asked if the Lothian's would consider reducing the size of the lots B13/145, B13/146 and B13/147 as suggested by the Township of Drummond / North Elmsley. Mr. Lothian advised that they preferred the larger type lots and that these were more 'saleable' than 0.4-ha lot types.

The committee questioned the location of B13/148, and whether this lot could be moved closed to the B13/147 or to the corner of Drummond Con 8B and Armstrong Sideroad. Mr. Lothian advised that as this lot is intended for one of their family members, that they

would have preferred it to be closer to the family home, however they needed to ensure that the location of this lot will address the MDS setback requirements. Also, they have reduced the depth of this lot to ensure that there was a corridor between the lot and the treed area to enable the area to be useful farm lands.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS: the same conditions apply to all four consents

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 Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
6. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
7. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES

- 1/ *The Mississippi Valley Conservation Authority advises that in the event shoreline work is proposed along Haley Creek, written permission is required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- 2/ *The MVCA also recommend that the wetland on the retained lands remain undisturbed.*
- 3/ *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill may be required to construct a conforming septic system.*
- 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: Jo Ann Sullivan & Wayne Sullivan **Hearing Date:** June 9, 2014
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B13/155
Municipality: Township of Beckwith
Geographic Township: N/A **Lot:** 12 **Conc.:** 3
Roll No. 0924 000 010 18806 **Consent Type:** Lot Addition & Easement

Purpose and Effect: To sever a 0.23-ha parcel of land as a lot addition together with an easement for entrance and to retain a 0.405-ha residential building lot. The lands are accessed via Richmond Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	0.23 ha	0.405 ha
Frontage	27.6 m	50.19 m
Depth	83.49 m	83.2 m
Road - Access to	County Road	County Road
Water Supply	Proposed well	Unknown
Sewage Disposal	Proposed septic	Unknown
Official Plan Designation	Residential	
-Conformity?	Yes	
Zoning By-law Category	Residential & Wetlands	Residential
-Area Required (min.)	n/a – lot addition	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)	n/a – lot addition	45 m
-Compliance?		yes

(a) **APPLICATION REVIEW**

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and

long-term care homes), recreation, park and open space and other uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

County Official Plan – Section 2.0 Settlement Policies, section 4.3.3 County Roads, Section 4.4 Water and Wastewater, Section 5.0 Natural Heritage, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 4 General Development Policies, Section 4.5 Division of Land, Section 5.1 Residential Policies, Section 7.2 County Roads, Section 9.10 Land Division Committee.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

PURPOSE AND EFFECT OF APPLICATION

The purpose of the application is to adjust the boundary between two existing lots by conveying approximately 0.5 acre from one property to the abutting property. The effect of the application is to enlarge the building envelope of the receiving property as the receiving property is affected by wetland policies.

DESCRIPTION OF SUBJECT LANDS

The subject lands are within 120m of PSW. A portion of the lands will be conveyed to the adjacent property, which contains PSW and the 120m adjacent lands.

PROVINCIAL POLICY STATEMENT

The property contains PSW. Development is not permitted within PSW. Development is not permitted within 120m of PSW, unless an environment impact statement has been prepared to demonstrate no negative impacts on the PSW. The applicant has prepared an EIS, which recommended that the building envelope should be enlarged. This application seeks to enlarge the building envelope to ensure that there are no negative effects for the PSW.

OFFICIAL PLAN

The property is designated Residential and is located within the Community Development Area of Franktown. The adjacent property is designated Residential and Wetlands. Lot line adjustments are permitted under Section 4.5 for legal and technical reasons. This application seeks to enlarge the potential building envelope on the adjacent property and appears to conform to the OP policies. An EIS has been prepared and will be approved by the local conservation authority prior to any development.

ZONING BY-LAW

The property is zoned Residential. The property that is to be enlarged is zoned residential and wetlands. Development is permitted within the residential area, but conservation authority approval is required within 120m of the wetlands.

The minimum frontage is 45m in the residential zone, with lot areas of 4,000m². The proposed severance would leave the retained lands with approximately 50m of frontage and an area of 4,000m². The proposed severance conforms to the requirements of the zoning by-law.

OPTIONS / ANALYSIS

This is the first part of a development proposal for the adjacent property. The property owner intends to develop the property for residential use. The applicant must first enlarge the property so that development achieves the setbacks outlined in their environmental impact statement.

Future development on the lands to be enlarged will be regulated through the site plan control process, as the lands are completely within the 120m adjacent lands. Permits from the local conservation authority will be required.

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

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

Advisory Notes:

- 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;
- That future development on both parcels will be regulated through the Township's site plan control by-law.

Conservation Authority – Rideau Valley Conservation Authority

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

PROPOSAL

The proposal is to sever 0.23 hectares from the existing 0.6347 hectare parcel. The severed parcel will be conveyed to the adjacent lot to the east identified as Part 3, Plan 27R-5294.

PROPERTY CHARACTERISTICS

The severed parcel is primarily 'Dry - Fresh Sugar Maple - Ironwood Deciduous Forest Type'. The severed parcel is within 120 metres of the Franktown Swamp Provincially Significant Wetland.

The retained parcel consists of primarily of 'Dry - Fresh Sugar Maple – Ironwood Deciduous Forest Type' with a small portion being 'Cultural Thicket'.

Natural Hazards

Organic Soils

Severed Parcel

The Conservation Authority has consulted the Surficial Geology mapping for the proposed severed parcel and retained parcel. While the severed parcel has not been identified as having organic deposits, a small portion of the adjacent lot which the severed parcel is to be conveyed has been identified as organic deposits (soil). The organic deposits seem to coincide with the wetland boundary.

The Provincial Policy Statement has identified organic soils as a natural hazard. We note that there is no new development proposed as a result of this application. However, all future development should be located in an area away from the hazard.

Retained Parcel

There have been no natural hazards identified on the retained parcel which would preclude this application.

Natural Heritage

Watercourses

There have been no watercourses identified on the severed or retained parcels which would preclude this application.

Wetlands

Severed Parcel

As part of this application, the applicant has provided an EIS "*Environmental Site Evaluation - Beckwith Township (Hamlet of Franktown), Part Lot 12, Concession 3*" dated November 8, 2013, prepared by Ecological Services because it is within the 120 metre adjacent lands of the Franktown Swamp Provincially Significant Wetland. The report has evaluated four lots currently owned by the same Owner including the lots subject to this application (identified as Lot 2 and Lot 3 in the report). The EIS concluded that all development should be setback a minimum of 30 metres from the Franktown Swamp Provincially Significant Wetland.

The report concluded that Lot 2 itself, contained a sufficient building envelope outside of the 30 metre setback from the wetland edge. However, there was concern that the adjacent lot to the east identified as Lot 3 may not accommodate a sufficient building envelope entirely outside of the recommended 30 metre setback. Therefore the report recommended that in order to achieve an appropriate setback from the wetland edge for Lot 3, that the proponent explore the potential for a lot line adjustment, moving the west lot line of Lot 3 westward, and reducing the size of Lot 2. Thus, this proposed lot line adjustment is to fulfill one of the recommendations in the EIS report.

The EIS report has included several recommendations which need to be implemented on any future development for all of the lots. It is our understanding that any development for a residence on these lots (Lot 2 and 3) will trigger a Site Plan Control application under the Planning Act in accordance with the Township's Official Plan. Therefore given that this is a lot line adjustment only, it is the Conservation Authority's opinion that the recommendations in the EIS report can be implemented at the Site Plan Control stage through an agreement rather than a condition of consent.

Conservation Authority Regulations

For the applicant's information the entire property is within the 120 metre adjacent lands to the Franktown Swamp Provincially Significant Wetlands. 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 development within the 120 metre adjacent lands of the Franktown Swamp Provincially Significant Wetland or in the wetland itself requires the prior written approval of the RVCA. Development in the wetland is prohibited.

CONCLUSION

In conclusion, the Conservation Authority has no objection or conditions to this lot line adjustment application. Portions of the property are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration.

NOTE

The EIS report made some reference to the Blanding's Turtle. It is the Owner's responsibility to contact the Ontario Ministry of Natural Resources to determine whether any permits under the Species at Risk Act will be required for any development on the severed parcel or the retained parcel.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – Poor drainage, 0-10 cm of topsoil over bedrock. Flat bush lot. The severance will become a lot addition, which would improve the potential for on-site sewage disposal on the recipient lot.

Retained – Poor drainage, 0-10 cm of topsoil over bedrock. Flat bush lot. Severing this land will leave a 1 acre lot, large enough to accommodate on-site sewage disposal, but imported leaching bed fill will be required to construct a conforming, fully raised septic system.

County Roads Department – Application #2466. Lands to be severed and retained have an approved entrance location. A full entrance application must be made and entrance to be 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.

(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:

Thursday, May 8, 2014

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

Dear Ms. Kirkham:

RE: File No.:	B13/155
Subject Land:	Pt. Lot 12 Conc. 3
Municipality:	Township of Beckwith
Owner:	JoAnn and Wayne Sullivan
Agent:	ZanderPlan Inc.

We are in receipt of the Notice of Application for Consent regarding the above mentioned subject and the consent to make an amendment.

Although we have no recommendations to propose, we are concerned about the affect any development will have on the wetlands in our area and on our property which is CON 3 PT LOT 12 BLK 12 RP 27R441 PART 2 at 228 Powell St., in Beckwith Township

We wish to be notified of the decision of the Land Division Committee and if possible be provided with a copy of the Environmental Impact Statement.

Thank you for your assistance in this matter.

Yours truly,



ANDREW & THERESA MILLER
R.R.#6, BOX 4038
SMITHS FALLS, ONTARIO
K7A 5K1

RECEIVED
LANARK
COUNTY

MAY 12 2014

Clerk's Department

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.23-ha parcel of land (together with an easement for entrance purposes) as a lot addition to lands owned by Wayne Sullivan Pt. Lot 12 Conc. 3 Beckwith Plan 27-5294 and retain a 0.4047-ha residential building lot.

The subject lands are located in an area characterized by typical urban residential with the settlement area of Franktown. The purpose of the lot addition is to provide the lot to be enlarged with additional area outside the designated wetland area (Franktown Swamp).

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

Soils Inventory – Name: Franktown

Bedrock Inventory – Dolostone, Sandstone

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- 1/ Blanding's Turtle (THR)

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 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 not been 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 within the residential section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. A portion of the lands to be enlarged is affected by the wetlands zoning provisions which restrict development. Site plan control will be required for any new development on either the severed/enlarged or retained lands. 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*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. 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 – June 9, 2014**

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

Ms. Zander outlined the purpose of the application, which will allow additional lands outside the wetland area to be developed. The entrance to the lot will be via a shared entrance with the retained lands.

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 Wayne Sullivan described as Part Lot 12 Con 3 Blk 12, RP27R-441 Pt 3 & RP27R-5279 Pt. 3, Beckwith, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall 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.
6. 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.
7. Road Widening: 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 shall enter into a land purchase agreement with the County.
8. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
9. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, 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.
10. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the Township of Beckwith, if determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
11. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy

of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.

12. A letter shall be received from the County of Lanark Public Works Department stating that condition #6 through #11 has been fulfilled to their satisfaction.
13. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 and #10 if required, has been fulfilled to their satisfaction.

NOTES

1. *The Township of Beckwith advise that all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *The Township of Beckwith advise that future development on both the retained and enlarged parcels will be regulated through the Township's site plan control by-law.*
3. *The Rideau Valley Conservation Authority advise that the entire property is within the 120 metre adjacent lands to the Franktown Swamp Provincially Significant Wetlands. 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 development within the 120 metre adjacent lands of the Franktown Swamp Provincially Significant Wetland or in the wetland itself requires the prior written approval of the RVCA. Development in the wetland is prohibited.*
4. *The Leeds Grenville and Lanark District Health Unit advise that imported leaching bed fill will be required to construct a conforming, fully raised septic system on the retained lands.*
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: Anthony J. Whieldon & Jean E. Whieldon Hearing Date: June 9, 2014

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B13/166

Municipality: Tay Valley Township

Geographic Township: Bathurst Lot: 19 & 20 Conc.: 10

Roll No. 0911 916 030 25800 Consent Type: New Lot

Purpose and Effect: To sever a 2.43-ha residential building lot and retain a 4.68-ha landholding with an existing dwelling and outbuildings located at 733 Anderson Side Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area Frontage Depth Road - Access to	2.43 ha 176.35 m 198.0 m County Road	4.68 ha 284.1 m on Anderson Rd. 160.0 m on Bennett Lake Rd. 198.0 m County Road
Water Supply Sewage Disposal	Proposed well Proposed septic	Proposed well Proposed septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Rural 1.0-ha Yes 60 m Yes	Rural 1.0-ha Yes 60 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

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 (h)).

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, and c) hazardous sites.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.3 County Roads, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 General Development Policies, Section 3.4 Natural Heritage, Section 3.6 Rural Policies, section 4.3 County Roads, Section 4.4 Township Roads, Section 5.2 Land Division. Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

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

(b) **AGENCY REVIEW**

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

Tay Valley Planner's Notes

The proposal is to sever a 2.43 ha residential building lot and retain a 4.68 ha lot with an existing dwelling and outbuildings at 733 Anderson Side Road.

Official Plan Designation: Rural

Zoning Category: Rural – applicable sections 10.1.2 – both lots meet minimum zoning provisions.

MVCA has no objection to this application provided the following mitigative measures are adhered to for any future development on the proposed severed lands. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the Fall River, the shoreline vegetation surrounding the river shall be retained to a minimum depth of 15 metres, natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, or onto adjacent properties.

MRSSO has no objection to the proposed lot and recommends: that a treatment unit meeting Level IV wastewater parameters be used to reduce the overall footprint of the sewage system and provide higher quality effluent, the mantle area of the sewage system should be protected from compaction and be re-vegetated with native grasses and shrub species that are known to have confined root systems, if imported mantle is required the sewage system should be designed to avoid disturbance in the 30m setback and a site drainage plan be developed.

NOTE: MRSSO clarified that the Level IV (Tertiary) treatment unit is a recommendation, not a requirement. A tertiary system was recommended due to the soil being very fine silty/clay sand and may cause a conventional system to be very large.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.

3. That, two (2) copies of an acceptable reference plan, including an electronic copy or legal description of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That, the applicant submit to the Township the \$200 cash-in-lieu of parkland requirement.

Conservation Authority – Mississippi Valley Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring 2.43 ha, with 150 m of water frontage. The retained land is already developed with an area of 4.68 ha and 248 m of water frontage.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the subject property has frontage on the Fall River. No other natural heritage features or natural hazards were identified.

REVIEW

Natural Heritage Values

Sufficient area appears to exist on the severed lands to accommodate future development that complies with the current standards for development adjacent to a waterbody. The retained lands are already developed with no new development proposed at this time. Therefore, impacts to the waterbody are not anticipated as result of the subject application.

RECOMMENDATIONS AND CONCLUSIONS

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

1. Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the Fall River.
2. The shoreline vegetation surrounding the river shall be retained to a minimum depth of 15 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, or onto adjacent properties.

NOTES

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

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

Septic Office Septic Office – 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 April 14, 2014.

The applicant proposes to sever a parcel, approximately 2.43 hectare in area, for the purpose of creating a new lot. The proposed area to be severed is vacant pasture land, with areas of exposed rock. The land slopes up from the Fall River to Bennett Lake Road.

There is a low area mid-way up the slope between areas of exposed rock. Using a soil probe there appears to be adequate soil depth for the construction of a sewage system in the areas probed. No test pits were provided.

The retained parcel is approximately 4.68 hectares. The property is developed with a dwelling, barn, and small outbuildings. The dwelling is serviced by a well and a sewage system that was re-inspected in 2011 (1 1TV049). No test Pits were provided.

The MRSSO recommends:

- A treatment unit meeting Level IV wastewater parameters (as per Table 8.6.6.2. of the OBC) be considered in the development of the proposed lot as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment.
- The mantle area of the sewage system should be protected from compaction and be re-vegetated with native grasses and shrub species that are known to have confined root systems.
- If an imported mantle is required, the sewage system should be designed to reduce the amount of disturbance in the 30m setback.
- A site drainage plan be developed.

The topography and area for both the severed and retained lots will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from all surface water bodies. 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.

Lanark County Public Works

- 1/ Applicant has an approved entrance location to the County Road. Permit #2459.
- 2/ Entrance to be installed prior to deed endorsement.
- 3/ Road widening may be required.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 2.43-ha residential building lot and retain a 4.68-ha residential lot with an existing dwelling located at 733 Anderson Side Road.

The subject lands are located in an area characterized by rural residential development along Bennett Lake Road.

The lands to be severed are accessed via Bennett Lake Road; a County maintained road and the lands to be retained are accessed via Anderson Side Road, a municipally maintained road.

Archaeological

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

Soils Inventory – Name: Tweed

Bedrock Inventory – Tectonites, straight gneisses

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- 1/ Eastern Musk Turtle (THR)

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 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 not been mapped as 'woodlands'. Woodland Development Policies have not been established by Tay Valley Township.

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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. 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 – June 9, 2014**

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

Ms. Zander questioned the need to enter into a Development Agreement for the development constraints outlined by the MVCA and MRSSO. These items will be dealt with through a site plan agreement which will be required prior to a building permit being issued. The committee agreed, but included them as a 'note' rather than a 'condition'.

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 two copies of all reference plans associated with this application if a survey is required by the Land Titles Office including an electronic copy.
6. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
7. Payment of \$200.00 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 submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
9. Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
10. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, 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.

11. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or Tay Valley Township, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
12. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
13. A letter shall be received from the Lanark County Public Works Department stating that condition #8 through #12 has been fulfilled to their satisfaction.
14. A letter shall be received from Tay Valley Township stating that condition #3 through #7 and #11 if required has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that the following mitigative measures should be adhered to for any future development on the proposed severed lands:*
 - a. *Future development, including a septic system shall be setback a minimum of 30 metres from the seasonal high water mark of the Fall River.*
 - b. *The shoreline vegetation surrounding the river shall be retained to a minimum depth of 15 metres.*
 - c. *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river, or onto adjacent properties.*
2. *The Mississippi Rideau Septic System Office recommends:*
 - a. *A treatment unit meeting Level IV wastewater parameters (as per Table 8.6.6.2. of the OBC) be considered in the development of the proposed lot as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment.*
 - b. *The mantle area of the sewage system should be protected from compaction and be re-vegetated with native grasses and shrub species that are known to have confined root systems.*
 - c. *If an imported mantle is required, the sewage system should be designed to reduce the amount of disturbance in the 30m setback.*
 - d. *A site drainage plan be developed.*

3. *The Mississippi Valley Conservation Authority advises that in the event shoreline work is proposed along the river, written permission is required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
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 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.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Rick Villemure & Jennifer Villemure **Hearing Date:** June 9, 2014
Agent: N/A
LDC File #: B14/008
Municipality: Town of Mississippi Mills
Geographic Township: Ramsay **Lot:** 18 **Conc.:**10
Roll No. 0931 929 025 30701 **Consent Type:** Lot addition

Purpose and Effect: To sever an 8.61-ha parcel of land as a lot addition to lands owned by Richard & Jennifer Villemure at 2021 Con 11A Ramsay and retain a 1.51-ha residential lot with an existing dwelling located at 2009 Con 11A Ramsay.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	8.61 ha	1.51 ha
Frontage	82 m	63 m
Depth	683 m	240 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	None	Private Well
Sewage Disposal	None	Private Septic
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning By-law Category	Rural	Rural
-Area Required (min.)	n/a – Lot Addition	1.0-ha
-Compliance?		Yes
-Frontage Required (min.)		45 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 Basis of Plan, Section 3 Land Use Policies , Section 3.3 Rural Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 General Provisions, Section 12 Rural Zone.

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

(b) AGENCY REVIEW

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

Town Planner's Report

BACKGROUND

Mr. and Ms. Villemure currently own a 10ha (25ac) parcel of land with an existing single family dwelling in the former Township of Ramsay, now the Town of Mississippi Mills. The parcel has frontage onto one local road, Ramsay Concession 11A, which is municipally owned and maintained by the Town of Mississippi Mills year round.

The intent of the application is a boundary adjustment between two rural land holdings.

The subject lands are designated Rural in the local Community Official Plan (COP) and in the local zoning By-law 11-83.

PROPERTY DESCRIPTION

The subject property is located at the north east end of Ramsay Ward, approximately 1km north of Almonte, at the north-east corner of Ramsay Concession 11A. The property is 10.4ha (25.78ac) in area with a frontage of ±154.7m on Ramsay Concession 11A. The property currently contains one (1) existing single detached dwelling and a detached garage.

The land subject to the application, is one of four lots rural residential lots created in 1977. The land described as East Part of Lot 18, Concession 10, Parts 2 and 3 on Registered Plan 26R-673, in the Geographic Township of Ramsay, now Town of Mississippi Mills, municipally known as: 2009 Ramsay Concession 11A.

Access to the property is currently provided by the way of an existing entrance from Ramsay Concession 11A.

The land uses surrounding the subject lands are currently designated as Rural in the local Community Official Plan and local zoning by-law. The abutting property is currently developed with a single family rural residential dwelling with accessory buildings, such as garages, sheds or other storage buildings.

SEVERANCE APPLICATION SUMMARY

Lot Severance

The application is to sever approximately 8.61ha (21.3ac) of land from the 10.4ha (25.7ac) parcel of land to expand the rural land holdings of the abutting property (Roll: 0931-929-025-30702). The intent of the application is to reduce the size of the lot with the rural single family dwelling designed to more or less meet the minimum requirements for a rural residential lot and expand the neighbouring property by approximately 8.61 ha (21.3).

The retained portion of land is for a rural residential lot and would maintain an approximate lot area of 1.79ha (4.4ac) with approximately 63m (206.7ft) of frontage onto Ramsay Concession 11A.

Provincial Policy Statement

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the *Planning Act, R.S.O. 1990*, all planning decisions must be consistent with the PPS. The following is a list of applicable sections of the PPS as well as review of the proposal against these policies.

- 1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:
 - a) building upon rural character, and leveraging rural amenities and assets;

- 1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
c) limited residential development;
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted

The Provincial Policy Statement discourages significant rural development on lands that are not identified as prime agricultural lands. When lots are being created or altered the lots should reflect the general rural character compatible with the rural landscape and can be supported with rural services. The proposed consent application is a boundary adjustment that will reduce the lot size of one of the rural residential lots and increase the lot size of the other rural residential lot. The amended lots will be a size that can be sustained with rural service levels and will not change the character of the rural area. Therefore the proposed boundary adjustment reflects the intent of the PPS.

COMMUNITY OFFICIAL PLAN:

The subject property has an Official Plan designation of Rural. Section 3.3.6, titled Severances and Lot Creation, set out the local policies regarding rural severances and lot creation. In this case Section 3.3.6.4 sets out the relevant police, which are as follows:

Section 3.3.6.4

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

1. There is a demonstrated capacity for the lot to support the proposed development on private services.
2. The lot has frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Direct access onto a County Road or Provincial Highway shall be discouraged.
3. Each lot must be at least one hectare. Council may require larger lots when site conditions warrant an increase in lot size. The minimum lot size shall not include lands within the "Flood Plain" designation.

While the proposed boundary adjustment or lot addition does not create a new lot, the proposed modification will create a lot area that exceeds the requirement of the COP by 0.79ha (1.95ac) with a lot size of 1.79ha (4.4ac). Furthermore the lot will have direct access to the municipality maintained right of way, being Ramsay Concession 11A. Finally, the new parcel of land can support the dwelling on private services. The past 54 years of history has shown that the land has been able to support a rural residential development on the property and that the reduction in lot area for the rural residential lot should not alter the ability of the land to continue to support the dwelling.

ZONING BY-LAW 01-70:

The subject properties are currently zoned Rural (RU). The Rural (RU) zone permits a range of rural based uses, including rural residential dwelling. For lands intended to be used for a rural residential purpose, the by-law requires a minimum lot area of 1ha (2.47ac) and a minimum lot frontage of 45m (147.6ft).

Application B14/008 is proposing a boundary adjustment to expand the abutting rural residential land holding by approximately 8.61ha (21.3ac) with 92m (301ft) of frontage onto Ramsay Concession 11A. The retained lands, also intended for a rural residential lot, would have a lot area of 1.79ha (4.4ac), with approximately 63m (206.7ft) of frontage onto Ramsay Concession 11A. The proposed lot line adjustment will modify both properties, creating two lots that exceed by-law requirements.

CONCLUSION

The intent of the consent application is to modify two existing rural residential lots and to ultimately create two lots that meet or exceed the local planning policies in the Community Official Plan and local zoning by-law (By-law 11-83). With this in mind, staff's recommendation regarding the proposed severance is to support the application subject to the following conditions:

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pays any outstanding property taxes on the subject property.

Conservation Authority – Mississippi Valley Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever approximately 8.5 ha as a lot addition to the adjacent lands. The severed lands are vacant, while the retained land is already developed with an area of 1.5 ha. The lot to be enlarged is already developed.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the central portion of the proposed severed land consists of organic soils. In addition, unclassified wetland has been identified on the west end of the severed lands, in addition to more organic soil. An unnamed watercourse appears to flow in and out of a small section of the severed lands along the south-eastern side lot line. No natural heritage features or natural hazards were identified on the proposed retained land.

REVIEW

Natural Heritage Values

The severed lands are being added to a lot that is already developed with no new development proposed at this time. No natural heritage features were identified on the retained lands. Therefore, impacts to natural heritage features are not anticipated as a result of the subject application.

Natural Hazards

Organic Soils

The poor drainage and unstable characteristics of organic soils makes them unsuitable for development. The severed lands are being added to a lot that is already developed with no new development proposed at this time. No natural hazards were identified on the retained lands. Therefore, organic soils are not considered a constraint to the subject application.

RECOMMENDATIONS AND CONCLUSIONS

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

NOTES

1. The shoreline vegetation surrounding the unnamed watercourse should be retained to a minimum depth of 15 metres.
2. Potential future development should be directed away from areas consisting of organic soils.
3. Unclassified wetland should remain undisturbed.
4. The property owner should be advised that in the event shoreline work is proposed along the unnamed watercourse, written permission is required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".
5. A review for Species at Risk was not conducted. We suggest contacting the Ministry of Natural Resources should you require a review in this regard.

Septic Office– Leeds Grenville and Lanark District Health Unit

Severed – Large lot, partially cleared. Poor drainage. 0.35 metres of silty clay soil over bedrock. This severance will be a lot addition to 2021 Concession 11A. This property will be added to an existing lot. It would be large enough to accommodate on-site sewage disposal. Imported leaching bed fill would be required to construct a conforming septic system on this lot.

Retained – Large lot with existing residence. The lot is partially cleared, mostly flat with fair drainage. 0.5 metres of silty loam soil over bedrock. No obvious signs of failure for the existing septic system. This severance will not negatively impact on-site sewage disposal for the retained land. The retained land would be large enough to accommodate a replacement system.

(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 an 8.61-ha parcel of land as a lot addition to lands owned by Richard & Jennifer Villemure at Pt Lot 18 Conc 10 Ramsay – Plan 26R-673 Part 3 and retain a 1.512-ha residential lot with an existing dwelling, garage and barn located at 2009 Con 11A Ramsay.

Three lots were previously created from the original land parcel in 1977 (lot creation date for Mississippi Mills in July 1, 1073). This lot and the lot to be enlarged are two of the lots that were created. The lot line adjustment does not have the effect of creating any new lots.

The subject lands are located in an area characterized by large residential lots along Ramsay Con 11A.

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

Soils Inventory – Name: Farmington

Bedrock Inventory – limestone, Dolostone, shale.

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- 1/ Flooded Jellyskin - THR

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.

3/ Woodlands

The area has limited areas 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 Town of Mississippi Mills.

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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. 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 Town of Mississippi Mills and could be given favourable consideration.

(e) **MINUTES – June 9, 2014**

Rick and Jennifer Villemure, owners attended the hearing and gave evidence under oath.

Rick confirmed that they were the owners of both lots and that they are shown as separate lots in Land Titles.

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 Richard & Jennifer Villemure at Pt Lot 18 Conc 10 Ramsay – Plan 26R-673 Part 3, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
7. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that the shoreline vegetation surrounding the unnamed watercourse should be retained to a minimum depth of 15 metres.*
2. *The MVCA also advise that potential future development should be directed away from areas consisting of organic soils.*
3. *The MVCA advises that the unclassified wetland should remain undisturbed.*
4. *The MVCA advises that in the event shoreline work is proposed along the unnamed watercourse, written permission is required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*

5. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill would be required to construct a conforming septic system on this lot.*

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: Estate of Robert C. Lyle **Hearing Date:** June 9, 2014
c/o Robert D. Lyle & Steven C. Lyle

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B14/013

Municipality: Town of Mississippi Mills

Geographic Township: Ramsay **Lot:** 16 **Conc.:** 12

Roll No. 0931 929 025 37001 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 0.4-ha parcel of land as a lot addition to lands owned by Robert David Lyle at 4512 March Road and retain a 6.6-ha vacant landholding

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Vacant
Area	0.401 ha	6.16 ha
Frontage	52.58 m	270.2 m
Depth	67.035 m	220 m
Road - Access to	County Road	County Road
Water Supply	None	None
Sewage Disposal	None	None
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning By-law Category	Rural Industrial M4	Rural Industrial M4
-Area Required (min.)	n/a Lot Addition	0.4-ha
-Compliance?		Yes
-Frontage Required (min.)		30 m
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.6 Infrastructure and Public Service Facilities

Section 1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

2.1 Natural Heritage

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

Section 2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Section 2.1.4 through 2.1.8 addresses development constraints on natural features and areas.

2.5 Mineral Aggregate Resources

Section 2.5.2.1 As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

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

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

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

4.4 **County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section Water and Wastewater, Section 8.2.2 Consents.
The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 2 Basis of Plan, Section 3.3 Rural Policies, Section 3.5 Aggregate & Mineral Resources Policies, Section 4 General Policies, section 4.6.4 County Roads, Section 5.3.11 Consent to Sever Land.
The Town of Mississippi Mills advises that the proposal conforms to the designations and policies of the Community Official Plan.

Zoning By-law - Section 6 General Provisions, Section 31 Rural Industrial Zone.
The Town of Mississippi Mills advises that the proposal does not comply with the minimum lot are – a rezoning or minor variance is required..

(b) **AGENCY REVIEW**

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

Town Planner's Report

Background

The estate of Robert Lyle currently owns two parcels of land with a combined lot area of approximately 6.9ha (17.06ac), being approximately 6.49ha (16.04ac) for one parcel and the second parcel having approximately 0.4ha (1.0ac) The larger parcel of land abuts the Karson Quarry and currently has existing accessory buildings that support the quarry operation. The second parcel is a rural residential property that has an existing rural residential dwelling in the former Township of Ramsay, now the Town of Mississippi Mills. The parcels have a total combined lot frontage of 375m (1,231.5ft), being 322.8m (1,058.9ft for the first parcel and 52.58m (172.5ft) for the second, onto one local road, March Road which are municipally owned and maintained by the municipality year round.

In 1988, the Land Division Committee for the Country of Lanark approved two consent applications B101-98 and B102-98, which provisionally approved two 0.4ha (1ac) rural residential lots. The applicant completed consent application B102-98 creating the rural residential lots and allowed the B101-98 to expire. The intent of this application is to expand the boundary of the existing rural residential lot with a portion of the lands from the retained parcel describe as severance one from the original consent applications. The lands subject to the consent application are designated Rural in the Official Plan and zoned Rural and Rural Industrial in the zoning by-law.

Severance Application Summary

Lot Severance

The application is to complete a boundary adjustment consent application that would sever approximately 0.4ha (1.0ac) of land from the subject lands and add it to the rural residential lot, currently 0.4ha (1ac) in size, in order to bring the lot more into compliance with current rural standards. The retained portion of land would maintain an approximate

lot area of 6.08ha (15.04ac) with approximately 270.2m (886.5ft) of frontage onto March Road.

Provincial Policy Statement

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the *Planning Act, R.S.O. 1990*, all planning decisions must be consistent with the PPS. The following is a list of applicable sections of the PPS as well as review of the proposal against these policies.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

a) building upon rural character, and leveraging rural amenities and assets;

1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

c) limited residential development;

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted

The Provincial Policy Statement discourages significant rural development on lands that are identified as Rural or not prime agricultural lands. When lots are being created or altered, the lots should reflect the general rural character and be compatible with the rural landscape and can be supported with rural services. The proposed consent application is a boundary adjustment that will increase the size of the rural residential lot to provide a sufficient land area for the long term sustainability of the rural residential lot on private services. In the end, the resulting lots are of sufficient size to be supported by rural service levels, without impacting the character of the rural area. Therefore the proposed boundary adjustment reflects the intent of the PPS.

Community Official Plan:

The subject property has an Official Plan designation of Rural. Section 3.3.6, titled Severances and Lot Creation, set out the local policies regarding rural severances and lot creation. In this case Section 3.3.6.4 sets out the relevant police, which are as follows:

Section 3.3.6.4

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

- ii. There is a demonstrated capacity for the lot to support the proposed development on private services.
- iii. The lot has frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Direct access onto a County Road or Provincial Highway shall be discouraged.

- iv. Each lot must be at least one hectare. Council may require larger lots when site conditions warrant an increase in lot size. The minimum lot size shall not include lands within the “Flood Plain” designation.

Other Community Official Plan Policies that should be considered include Section 3.5.4.1, titled Aggregate Resource Influence Area. This Section states the following:
Section 3.5.4 Aggregate Resource Influence Area

1. The concept of an *influence area* is recognized as a means of protecting sensitive land uses from pits and quarries and protecting existing pits and quarries and lands designated Aggregate Resource from encroachment by incompatible land uses. The Zoning By-law shall incorporate the following separation distances from sensitive land uses:
 - 150 m for licensed pits above the water table
 - 300 m for licensed pits below the water table
 - 300 m for Aggregate Resource-Pit reserve areas
 - 500 m for licensed quarries above or below the water table
 - 500 m for Aggregate Resource-Quarry reserve areas

These distances shall apply reciprocally, meaning that new pits and quarries must be set back from sensitive land uses and new sensitive land uses must be set back from lands designated for pits and quarries.

While the proposed boundary adjustment or lot addition does not create a new lot, it will improve the existing situation significantly for the rural residential property because it will bring it closer to compliance with current planning policies. The amended lot will increase the size of the lot from 0.4ha (1ac) to 0.8ha (2ac) and will have a lot frontage of 105.2m (345ft), which will provide sufficient land area to accommodate the required private servicing with an acceptable safety factor.

The intent of the consent application is to expand the size of the existing rural residential lot to an appropriate lot size to protect the rural residential development serviced by private services. In the end, the application is not to create a new rural residential lot, and as a result is not required to create a rural residential lot of 1ha (2.47ac).

Furthermore the lot will have access to a municipality maintained right of way, being March Road, to provide appropriate vehicular and emergency vehicular access to the property. Finally, the property was created in 1988 and over the last 26 years the land proven that it can support the residential development of full private service. The increase of lot size will protect the long term sustainability of the property should improvement to the existing private infrastructure be required.

It is also important to note that the lands subject to the application fall within the influence area of the existing Karson Quarry. However, because the rural residential lot is an existing lot of record and the applicant is not creating a new rural residential lot, the policies associated with the quarry do not apply.

Zoning By-law 01-70:

The subject properties are currently zoned Rural (RU). The Rural (RU) zone permits a range of rural based uses, including rural residential dwelling. For lands intended to be used for a rural residential purpose, the by-law requires a minimum lot area of 1ha (2.47ac) and a minimum lot frontage of 45m (147.6ft).

Application B14/008 is proposing a boundary adjustment to expand the abutting rural residential land holding by approximately 0.4ha (1ac) with 105.2m (345ft) of frontage onto March Road. The retained lands, zoned Rural Industrial (M4) Zone, would have a lot area of approximately 6.08ha (154.04ac), with approximately 270.2m (886.5ft) of frontage onto March Road. While the proposed lot line adjustment keeps the retained parcel in compliance with the local zoning by-law, the lot benefiting from the boundary adjustment does not come into zoning compliance with zoning by-law 11-83 regarding minimum lot area. That being said, the applicant has two options to address this issue being either the owner will have to acquire zoning relief regarding the minimum lot area for the rural residential lot or the rural residential lot will have to be increased in lot area.

Conclusion

The intent of the consent application is to expand the existing rural residential lot in an effort to bring it more into compliance with current planning policies in the Community Official Plan and local zoning by-law (By-law 11-83). That being said the boundary

adjustment will increase the lot area associated with the rural residential, but will not bring it into compliance. With this in mind, staff's recommendation regarding the proposed severance is to support the application subject to the following conditions:

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
3. That the applicant pays any outstanding property taxes on the subject property.
4. That the applicant acquire obtain relief from the minimum lot area of the zoning by-law either by way of zoning by-law or minor variance.

City of Ottawa – No comments were received.

Conservation Authority – MVCA

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever (1) vacant lot measuring 0.401 ha and retain a vacant 6.16-ha parcel of land.

PROPERTY CHARACTERISTICS

A review of available GIS mapping revealed that the northern portion or the severed lands and the central portion of the retained lands, consist of a part of the Burnt Lands Alvar. This Alvar has been classified as an Area of Natural and Scientific Interest (ANSI) by the Ministry of Natural Resources. No other natural heritage features or natural hazards were identified.

REVIEW - ANSI

The Provincial Policy Statement (PPS) indicates that development and site alteration, including the creation of new lots, shall not be permitted within, or in the adjacent lands of, an ANSI unless it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the features identified.

The lot lines of the proposed severed lands extend into the ANSI. We recognize that the subject lot addition does not result in the creation of a new lot; however, it still has the effect of further fragmenting the ANSI. Therefore, in an effort to minimize the fragmentation of significant natural heritage features, we recommend that the lot lines be adjusted to exclude the ANSI. Alternatively, an Environmental Impact Statement is recommended to assess potential negative impacts of the subject proposal on the ANSI. If an EIS is conducted, it should also evaluate impacts within the adjacent lands. MNR has identified the adjacent lands of an ANSI to be 50 m from its boundary.

CONCLUSIONS & RECOMMENDATIONS

MVCA does not recommend approval of the subject application as currently submitted. We recommend that the lot lines of the severed lands be adjusted to exclude the ANSI. Alternatively, an EIS should be prepared to assess potential negative impacts of the subject proposal on the fragmentation of the ANSI.

NOTES

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

Ministry of Natural Resources - Shaun Thompson

In responding to a question regarding the boundary of the ANSI at the above location as part of an application for a lot addition a review was undertaken to determine the appropriateness of the boundary. The condition of the site and location of the boundary were considered as it relates to the features and functions of the ANSI and more specifically representation, disturbance, ecological function, size, diversity.

In consultation with Ontario Parks staff and regional specialists it was concluded that the roughly 2.8 ha area of ANSI at this site was significantly disturbed and no longer represented the features and functions related to the overall ANSI that it was originally identified for.

It is our intention to follow through with removing this portion of the ANSI from designation as a Provincially Significant Life Science ANSI. At this point in time it is not considered to be part of the ANSI. This memo is intended to serve as notice to allow for planning decisions to proceed, based on the above, in the interim until a more formal, detailed notice is provided. I am out of the office all next week (May 19 to 23) and do not want to hold things up.

I will circulate the final notice once it is completed and steps to have the boundary amended in the provincial database (LIO) will be initiated at that time as well.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed – Bush lot with no obvious slope. Poor drainage. 10-20 centimetres of topsoil over bedrock. The severance would be a lot addition to an existing residential lot. This would increase the capacity for on-site sewage disposal on the recipient lot.

Retained – Large property, partially cleared. 10-20 centimetres of topsoil over bedrock.

Poor drainage. The retained land would be large enough to accommodate on-site sewage disposal. Imported leaching bed fill would be required to construct a raised septic system on this property.

County Roads Department – Entrance Permit #2472

Full entrance application, site inspection and possible road widening required as per County Roads Policy.

(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 0.401-ha parcel of land as a lot addition to lands owned by Robert David Lye at Pt Lot 16 Conc. 12 Ramsay – RP26R-2617 Parts 3 and 4 and retain a 6.16-ha vacant landholding. The lands to be severed were originally severed in 1988 (B101/088) however the deed was not registered and therefore the lot was not legally created.

The subject lands are located in an area characterized by residential development along March Road. An active aggregate – quarry is located to the north of the lands and are outside the ‘buffer’ zone of the aggregate operation as approved by the Ministry of Natural Resources Dec 23, 2987.

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

Soils Inventory – Name: Farmington

Bedrock Inventory – Limestone, Dolostone, shale

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records does not indicate that there is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act*, R.S.O. 1990 with necessary modifications.

- 2/ Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3/ Woodlands
The area has not been mapped as 'woodlands'. Woodland Development Policies have been established by the Town of Mississippi Mills.

Zoning

The subject property is currently within the rural industrial zone of the Zoning By-law, which permits a number of uses, excluding single-detached dwellings. The proposed lot does not meet the minimum lot frontage and size for the M4 zone. A re-zoning or minor variance is required.

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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. 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 Town of Mississippi Mills and could be given favourable consideration.

(e) **MINUTES – June 9, 2014**

Tracy Zander (ZanderPlan Inc.) agent and Robert D Lyle, applicant attended the hearing and gave evidence under oath.

Ms. Zander provided a brief background on the proposal, the lot being severed as a lot addition was originally a new residential lot, however the deed for the land was not registered. The applicant is aware that the combined lot size does not meet the Town's minimum lot size, and that they have submitted a re-zoning application to the Town.

Mr. Lyle advised that the increased lot size is 'in-keeping' with the larger type rural estate lots in the area and therefore is more saleable.

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 Robert David Lyle described as Part Lot 16 Con 12 Ramsay being Parts 3 & 4 on RP26R-2617, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Mississippi Mills.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The applicant shall obtain appropriate relief from the minimum lot area provisions of the Zoning By-law for the Town of Mississippi Mills either by way of an amendment to the Zoning By-law or a minor variance.
7. 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.

8. Road Widening: 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 shall enter into a land purchase agreement with the County.
9. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
10. If land is required, “In Preparation” Transfer documents are to be submitted to the Business Manager, 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.
11. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the “The Corporation of the County of Lanark” (or the Town of Mississippi Mills, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
12. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the “PIN” that is the county road, parallel to the frontage of the lands to be severed.
13. A letter shall be received from the Lanark County Public Works department stating that condition #7 through # 12 have been fulfilled to their satisfaction.
14. A letter shall be received from the Town of Mississippi Mills stating that condition #4 through #6 and #11, if required has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: William Watson Hearing Date: June 9, 2014
Agent: N/A
LDC File #: B14/016
Municipality: Township of Lanark Highlands
Geographic Township: Lavant Lot: 6 Conc.: 8
Roll No. 0940 001 015 07700 Consent Type: Lot Addition

Purpose and Effect: To sever a 129 sq.m. parcel of land as a lot addition to lands owned by Mary L Boucher at 124 Rogers Lane and retain a 0.23-ha residential lot at 126 Rogers Lane.

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

(a) APPLICATION REVIEW

Provincial Policy Statement - The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

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 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.

Section 1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

Section 1.1.5.1 On rural lands located in municipalities, permitted uses are: the management or use of resources, resource-based recreational uses (including recreational dwellings), limited residential development, home occupations and home industries, cemeteries, and other rural land uses.

Section 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

2.4 Minerals and Petroleum

Section 2.4.1 Minerals and petroleum resources shall be protected for long-term use.

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 unless significant archaeological resources have been conserved.

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Section 2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

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, and c) hazardous sites.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 3.4 Rural Communities, Section 5.0 Our Environment, Section 7.4.4 Private Roads, Section 8.4.2 Consents.

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

Zoning By-law - Section 4.0 General Provisions, Section 11.0 Lakefront Development.

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

(b) **AGENCY REVIEW**

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

Township Planning Report

An application has been received from the County of Lanark Land Division Committee for the a lot addition on the lands legally described as Part Lot 6, Concession 8, geographic Township of Lavant now in the Township of Lanark Highlands, municipally known as 126 Rogers Lane.

The applicant wishes to sever a 129 sq. m parcel of land as a lot addition to lands owned by Mary L. Boucher at 124 Rogers Lane, and to retain a 0.23 ha residential lot at 126 Rogers Lane.

The property is designated as Rural, on Schedule 'A' of the Township's Official Plan and zoned Lakefront Development in Zoning By-law 2003-451. It should be noted that the property is within the 1 km Abandoned Mine Hazard Sites AMHS buffer.

PROVINCIAL POLICY

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

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

Section 1.1.4, Rural areas in municipalities, outlines development policy for rural areas. The application is consistent with these polices.

OFFICIAL PLAN

The subject lands are designated Rural on Schedule 'A' of the Township of Lanark Highlands Official Plan. The designation allows for residential development.

Any application for consent must be evaluated with the policy directives of Section 10.11 .13, which provides direction when considering the division of lands within the Township. The proposed lot addition is in conformity with the existing Official Plan's relevant policies.

This area falls within the 1 km AMHS buffer. Section 4.1 .7.1 Abandoned Mine Hazard Sites, states that *There are 17 mining hazards or abandoned mines identified on Schedule A Land Use and Transportation. Any development proposed within one (10 kilometre of these areas requires consultation with the Ministry of Northern Development and Mines prior to any further review of development by the planning authority.* This application should be exempt from this requirement as it is not creating new development or a new lot; it is merely a lot line adjustment.

ZONING

The lands are zoned as Rural on Schedule 'A' by Zoning By-law 2003-451. The lot addition is a lot line adjustment.

DISCUSSION

The application will not result in the creation of a new lot and is a lot line adjustment. In conclusion, the application, as submitted, is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law.

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

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

(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 129 sq.m. parcel of land as a lot addition to lands owned by Mary L Boucher at 124 Rogers Lane and retain a 0.23-ha residential lot with an existing dwelling located at 126 Rogers Lane. The lands to be conveyed was a former r-o-w which has been relocated to the west.

The subject lands are located in an area characterized by typical seasonal residential dwellings on smaller type lots along the shore of Robertson Lake.

The lands are accessed via Rogers Lane, a private R-O-W which adjoins the Lavant Mill Road, a municipally maintained road.

Archaeological

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

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.

- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. A number of 'general' policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.
- 3/ Woodlands
The area has areas mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

The subject property is currently within the lakefront development section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot assist in bringing the lot to be enlarged more in line with the Township's minimum lot size requirements (0.12-ha + 0.013-ha = 0.144-ha). The Township has not requested a rezoning to acknowledge the undersized lots; therefore they will remain 'legal non-conforming'. 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. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) MINUTES – June 9, 2014

Bill Watson, owner 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 Mary Louise Boucher described as Part 6, Plan 26R-2690 being East Pt Lot 6 Con 8 Lavant, now in the Township of Lanark Highlands, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

2. *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: Carl Molson **Hearing Date:** June 9, 2014
Agent: Terry Steeves, Perth Brewing Co. Ltd.
LDC File #: B14/022
Municipality: Town of Perth
Geographic Township: Drummond **Lot:** 1 **Conc.:** 3
Roll No. 0921 030 0800 02300 **Consent Type:** Lot Addition

Purpose and Effect: To sever a 233.0- sq.m. parcel of land as a lot addition to lands owned by Perth Brewing Co. Ltd. At 121 Dufferin St. and retain a 576.72 sq.m. residential lot at 1 Lanark Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Commercial	Residential
Area	233.0 sq.m.	576.72
Frontage	13.7 m	16.2 m
Depth	17 m	35.6 m
Road - Access to	Other Public Road	County Road
Water Supply	None	Public system
Sewage Disposal	None	Public system
Official Plan Designation -Conformity?	Highway Commercial District Yes	
Zoning By-law Category	Commercial 2	Commercial 2
-Area Required (min.)	n/a – lot addition	n/a
-Compliance?		max. coverage 15%
-Frontage Required (min.)		15 m
-Compliance?		Yes

(a) APPLICATION REVIEW

Provincial Policy Statement – The following provides a summary of the Provincial Interests that were identified in reviewing the application:

1.1 Managing and Directing Land Use to Achieve efficient and Resilient Development and Land Use Patterns

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public

a) the use of existing infrastructure and public service facilities should be optimized; and
b) opportunities for adoptive re-use should be considered, wherever feasible.
service facilities.

Section 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

Local Official Plan – Section 3.0 Basis of Plan, Section 8.7 Highway Commercial District,

Section 9.11.15 Subdivisions, Consents and Part-Lot Control.

The Town of Perth advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law - Section 4 – General Provisions, Section 12.0 Highway Commercial Zone.

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

(b) AGENCY REVIEW

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

Town Planner's Report

On behalf of the Town of Perth and pursuant to By-law No. 3344, (delegating authority to the Town's Planner), please be advised that, subject to the requested conditions being applied, the Town has no objection to a provisional consent being granted to the above noted application to sever a parcel of land as a lot addition to lands owned by Perth Brewing Co. Ltd subject to the application of the conditions indicated on the attached municipal comment form.

The intent of the proposed lot addition is to facilitate a building addition and the relocation and provision of parking for the expanding business. Accordingly, the Town is

requesting that a site plan amendment application be filed as a condition of the consent. Note the Town is not requiring that the application be completed as a condition of consent only that it be submitted.

The retained property at 1 Lanark Rd will require a minor variance for the proposed reduced lot size as it will be less than the 929 m² (10,000 ft²) required in the C2 Zone. However, the long-standing residential use of the property is residential and the retained lot will exceed the standard lot size for residential use. A minor variance application for the reduced lot size has been filed with the Town.

The benefitting property is part of a larger grouping of commercial properties the development and subdivision of which predates the Zoning By-Law. The existing business has legal non-conforming status regarding several zoning requirements including, but not limited to; a 10% minimum landscaped open space, as well as one side yard and potentially the minimum parking requirements. A minor variance for the benefitting property at 121 Dufferin St is being processed to address to a reduced front yard setback and increased lot coverage for a proposed building addition. The proposed consent is intended to allow for the provision and replacement of parking associated with the intended building addition.

The proposed consent severs a piece of land from 1 Lanark Rd as an addition to lands in the ownership of the Perth Brewery Company Ltd. at 12 Dufferin Street. The benefitting lot was created by consent and appropriate legal measurers will be needed to ensure the severed parcel merges with the benefitting lot. This may require an agreement with the Town of Perth or some other transaction with the Town. The severed parcel should be subject to stipulation per Section 50(12) of the Planning Act such that subsection 50(3) shall continue to apply.

The municipality is not opposed to the granting of consent as the application is consistent with the Provincial Policy Statement, Perth's Official Plan and the applicant is seeking a minor variance to comply with the Zoning By-Law.

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

1. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
2. A minor variance for 1 Lanark Rd D13-AC-06/14 is completed to permit the reduced lot size.
3. The severed parcel be stipulated per Section 50(12) of the Planning Act such that Section 50(3) will continue to apply.
4. The applicant provide legal confirmation acceptable to the Town of Perth that demonstrates the severed parcel will merge with the benefitting lot or completes an agreement or other transaction with the Town of Perth to ensure the severed parcel will merge with the benefitting lot.
5. The applicant file a site plan amendment application with the Town of Perth for the building extension on the benefitting lot and the development of parking on the severed parcel.
6. The Town confirms that any and all outstanding fees and taxes have been paid prior to the consent being completed.

Notes:

1. The owner of the retained lot on 1 Lanark Road be cautioned that the consent will result in a reduced lot size for a Highway Commercial Zoned property. As such, the site will be limited to permitted uses that do not require more parking than currently exists unless a site plan is completed with the Town of Perth.

(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 233 sq.m. parcel of land as a lot addition to lands owned by Perth Brewing Co. Ltd at 121 Dufferin St. and retain a 576.72 sq.m. commercial/residential lot at 1 Lanark Road. The purpose of the additional lands is to expand the existing structure and allow for additional parking.

The subject lands are located in an area characterized by typical urban highway commercial.

The lands to be severed are accessed via Dufferin St parking lot, and the lands to be retained are accessed via Hwy 511, a County maintained road. No new entrance is required.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
- 2/ Perth Official Plan Policies for the Division of Land are found in Section 9.11.15 of the OP. The division of land by the consent process is intended for the creation of not more than two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks meet the requirements of the zoning by-law, studies as required, frontage on public road. There is no lot creation date for the Town.
- 3/ Woodlands
Woodland policies in Perth are dealt with through Tree Conservation Plans when necessary.

Zoning

The subject property is currently within the Highway Commercial section of the Zoning By-law, which permits a number of commercial uses. The proposed lot meets the minimum lot frontage. 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*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. 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 Town of Perth and could be given favourable consideration.

(e) **MINUTES – June 9, 2014**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Perth Brewing Co. Ltd. described as Parts 7 and 12, Plan 27R-6123,, being S Pt Lot 1 Conc 3 Drummond, now in the Town of Perth, 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 applicant shall provide the Town of Perth with a copy of the deed/transfer for the property.
5. The applicant shall provide the Town of Perth with two hard copies of the final reference plan and a digital copy of the reference plan prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
6. The applicant shall file a site plan amendment application with the Town of Perth for the building extension and parking area on the severed / benefitting lands. The applicant shall consult directly with the Town if this regard.
7. That Minor Variance for 1 Lanark Road file no. D13-AC-06/14 be completed to permit the reduced lot size for the retained lands.
8. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Perth.
9. The applicant shall satisfy all the requirements of the Town of Perth, financial and otherwise, that may be required under established by-laws for consent applications.
10. A letter shall be received from the Town of Perth stating that condition #4 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Town of Perth advises that the owner of the retained lot on 1 Lanark Road be cautioned that the consent will result in a reduced lot size for a Highway Commercial Zoned property. As such, the site will be limited to permitted uses that do not require more parking than currently exists unless a site plan is completed with the Town of Perth.*