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The Land Division Committee met in regular session on Monday, December 12, 2016 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**Chair:** R. Strachan

**1. CALL TO ORDER**

The meeting was called to order at 9:00 a.m.  
A quorum was present.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None

**3. APPROVAL OF MINUTES**

**MOTION #LD-2016-48**

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

"**THAT**, the minutes of the Land Division Committee meeting held on November 21, 2016, be approved as circulated."

**ADOPTED**

**4. ADDITIONS AND APPROVAL OF AGENDA**

**MOTION #LD-2016-49**

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

"**THAT**, the agenda be adopted as presented."

**ADOPTED**

## **5. DELEGATIONS & PRESENTATIONS**

None

## **6. NEW APPLICATIONS**

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

- 6.1 B16/069 – Ottawa West Development Inc. – lot addition  
Pt. Lot 26/27 Conc. 4 Township of Beckwith. Richmond Road.
  
- 6.2 B16/080 – Christie Lake Cottages & Marina – new lot  
Pt. Lot 21 Conc. 3 geographic Township of South Sherbrooke,  
now in Tay Valley Township. Christie Lake Lane 32.
  
- 6.3 B16/103 – Gordon Rymal – lot addition  
Pt. Lot 6 Conc. 2 geographic Township of South Sherbrooke,  
now in Tay Valley Township. Farren Lake Lane 41.
  
- 6.4 B16/111 – Robert and Susannah Newell – new lot  
Pt. Lot 26/27 Conc. 4 Township of Beckwith. Richmond Road.
  
- 6.5 B16/113 – Thies Heinrich Schacht – lot addition  
Pt. Lot 16/17 Conc. 6 geographic Township of North Burgess,  
now in Tay Valley Township. Black Lake Route 11.
  
- 6.6 B16/114 – 1427386 Ontario Ltd. - new lot  
Lot 16, 17 and 26 Plan 3389 Town of Carleton Place.  
Lake Ave East.

## **7. DEFERRED APPLICATIONS**

None

## **8. CONFIDENTIAL REPORTS**

None

**9. COMMUNICATIONS/OTHER BUSINESS**

9.1 OACA – 2017 Membership

**MOTION #LD-2016-50**

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

**"THAT,** the Secretary-Treasurer submit membership forms to OACA on behalf of the Committee Members for 2017."

**ADOPTED**

**10. PROVISIONAL CONSENT GRANTED**

- |      |   |         |
|------|---|---------|
| 10.1 | B16/069 – Ottawa West Development Inc. – lot addition | 5 - 14  |
| 10.2 | B16/080 – Christie Lake Cottages & Marina – new lot   | 15 - 31 |
| 10.3 | B16/103 – Gordon Rymal – lot addition                 | 32 - 40 |
| 10.4 | B16/111 – Robert and Susannah Newell – new lot        | 41 - 49 |
| 10.5 | B16/113 – Thies Heinrich Schacht – lot addition       | 50 - 60 |
| 10.6 | B16/114 – 1427386 Ontario Ltd. - new lot              | 61 - 66 |

**11. PROVISIONAL CONSENT DEFERRED**

None

**12. PROVISIONAL CONSENT DENIED**

None

**13. UPCOMING MEETINGS AND NOTICES**

January 10, 2017 at 9:00 a.m.  
February 14, 2017 at 9:00 a.m.  
March 14, 2017 at 9:00 a.m.  
April 11, 2017 at 9:00 a.m.

**14. ADJOURNMENT**

**MOTION #LD-2016-51**

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

**"THAT,** the meeting do now adjourn at 12:00 p.m."

**ADOPTED**

A handwritten signature in black ink, appearing to read "Mary Kirkham". The signature is fluid and cursive, with a large initial "M" and "K".

Mary Kirkham  
Secretary-Treasurer



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

<b>Owner:</b> Ottawa West Development Inc.	<b>Hearing Date:</b> December 12, 2016
<b>Applicant/Agent:</b> McIntosh Perry (Marko Cekic)	<b>LDC File #:</b> B16/069
<b>Municipality:</b> Township of Beckwith	<b>Lot:</b> 26 & 27 <b>Conc.:</b> 4
<b>Geographic Township:</b> Beckwith	<b>Consent Type:</b> New lot
<b>Roll Number:</b> 0924 000 015 08600	

#### **Purpose and Effect:**

B16/069 – To sever a 0.65-ha parcel of land as a lot addition to lands owned by Robert James Newell and Susannah Ellis Smith Newell at 210 Richmond Road;  
And to retain a 120-ha landholding which is the subject of five (5) consent for residential purposes to be presented to Committee at a later date and a future 87 lot residential subdivision.

<b>DETAILS OF PROPOSAL</b>	<b>B16/069</b>	<b>Retained</b>
<b>Existing Use</b> <b>Proposed Use</b>	Vacant Lot addition	Vacant Future Development
<b>Area</b> <b>Frontage</b> <b>Depth</b>	0.65-ha 20 m – 30 m wide strip around the lot to be enlarged	120.5-ha 1415 m 850 m
<b>Road - Access to</b>	n/a	Municipal
<b>Water Supply</b> <b>Sewage Disposal</b>	n/a n/a	Proposed Proposed
<b>Zoning By-law Category</b> <b>-Area (minimum)</b> <b>-Compliance?</b> <b>-Frontage (minimum)</b> <b>-Compliance?</b>	Residential n/a – lot addition	Rural & Residential 0.4-ha Yes 45 m Yes

**Official Plan Designation:** Rural, PSW, Settlement Area & Wetlands.

**Conformity:** 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.

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.

## **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.

## **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 protect 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.

### **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 2.0 Settlement Policies, Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, 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 4.6 Natural Heritage Features, Section 5 Community Development Areas, Section 6 Rural Areas, Section 7.2 County Roads, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

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

**Zoning By-law** – Section 3 General Provisions, Section 5.1 Residential, Section 11 Rural

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 – EXECUTIVE SUMMARY**

The applicant submitted seven severance applications to the County of Lanark. Most of the severance applications are tied up with environmental and aggregate concerns. The applicant recently moved forward with application B16-063 to create a new lot and is hoping to also move forward with this lot-adjustment application. Staff does not have any concerns with this lot adjustment moving forward.

#### **DESCRIPTION OF APPLICATION**

B16-069 proposes to transfer approximately 1.6 acres of land from the subject lands to 210 Richmond Road.

DESCRIPTION OF SUBJECT LANDS

The subject lands consist of approximately 308 acres with frontage on Saunders, Crooked and Ashton Station Roads. The lands are affected by pockets of significant wetlands, water courses and are within the influence area of a licensed pit. Approximately 40% of the lands are located within the Community Development Area of Prospect. The lands that would be transferred as part of the lot addition are beyond the aggregate and wetlands setbacks, but are naturally vegetated.

PROVINCIAL POLICY STATEMENTOFFICIAL PLAN

Section 4.5 of the Official Plan regards land division and allows severances for legal and technical purposes and where the severance would not result in the creation of a new lot.

ZONING BY-LAW

The lands that would be transferred as part of this severance application are zoned Residential.

OPTIONS / ANALYSIS

The proposed lot adjustment would provide additional land and privacy for 210 Richmond Road should a plan of subdivision application be submitted for the lands north of 210 Richmond Road. Staff does not have any concerns regarding the proposed lot adjustment.

RECOMMENDATION

In light of the above information, Staff forwards the following recommendation for consideration of the Committee:

THAT the Planning Committee recommends to Council to support severance application B16-069 in part Lot 27, Con 4, to transfer approximately 0.65 hectares of land to 210 Richmond Road as a lot adjustment

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

Conditions:

1. THAT the applicant provides the Township with a full-size paper copy of any reference plan associated with the application;
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;

Notes:

1. THAT all buildings and structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

**Septic Office** – Leeds Grenville and Lanark District Health Unit

B16/069 – 200 m wide strip of wooded property intended to be a lot addition. Good drainage. 10 to 15 cm of silty loam soil. Recommendation – addition this land to the existing lot will improve potential for future on-site sewage disposal.



Retained lands – large acreage with varying soil conditions and depths. Varying slopes. Drainage good in some areas. Standing water and wetlands cover part of the property. Recommendation – severing this property will not negatively impact on-site sewage disposal for the retained lands.

**Conservation Authority** – Rideau Valley Conservation Authority

We have undertaken our review within the context of Sections 2.) Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations.

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

**PROPOSAL**

The proposal is to sever a 6,474.97 square metre parcel from the existing parcel and convey it to the adjacent landowner known municipally as 210 Richmond Road.

**PROPERTY CHARACTERISTICS**

**Severed Parcel (B16/069)**

The severed parcel is primarily treed. The severed parcel is vacant.

Retained Parcel A significant portion of the property has been identified as being within the Prospect Bog Provincially Significant Wetland, along with one unevaluated wetland. Majority of the site outside the wetlands is treed with patches of cleared areas. A watercourse has also been identified on the south-western portion of the property.

**REVIEW**

**Natural Hazards**

**Severed and Retained Parcel**

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

**Natural Heritage**

**Provincially Significant Wetlands and Unevaluated Wetlands**

**Severed Parcel (B16/069)**

There have been no Provincially Significant Wetlands or unevaluated wetlands identified on the severed parcel.

**Retained Parcel**

A large portion of the retained parcel has been identified as being within the Prospect Bog Provincially Significant Wetland, while a small portion has been identified as being within an unevaluated wetland. Given that this is for a lot line adjustment only, there is no anticipated impact on the wetlands as a result of this application.

**CONSERVATION AUTHORITY REGULATIONS**

For the applicant's information, the Prospect Bog and its 120 metre adjacent lands are subject to Ontario Regulation 174/06. 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 and severed parcels in the following manner:

Any development within the Prospect Bog Provincially Significant Wetland and its 120 metres adjacent lands requires the prior written approval of the Rideau Valley Conservation Authority. Development in the wetland is not permitted.

Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority (including watercourse crossings),

#### CONCLUSION

In conclusion, the Conservation Authority has no objection to this lot line adjustment application.

**Hydro One Networks** – No comments were received.

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

**City of Ottawa** – No comments were received.

#### (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:

##### **Bonnie and Mike West – June 22, 2016**

I am writing concerning the development of B16/065 and B16/064 on Crooked Side Road.

We are the residents who reside across from these lots and are concerned about where the spring runoff will go. As there is no ditch across our property or down the opposite side of the road. In the spring, the water runs down the road from the north to the south, not the ditch and enters the ditch just before the cross pipe. The water runs through the culvert into the new properties you wish to develop across the road. We also have to pump the water from our sump pump over to that culvert for the water to get away as there is no alternative. This has been an ongoing problem since we moved here 10 years ago. We get all the runoff from the property behind us as well which runs to this cross pipe. This is the only place for the spring runoff to go. We have asked the Township of Beckwith if there is a way to run the water to the drain further south but they did not see a problem. The problem only exists when there is a quick melt in the winter and in the early spring. We hope you consider our concerns when developing these properties. We wish to be informed of upcoming meetings concerning this development.

##### **Patrick Paiement – June 23, 2016**

We, owners at 147 Crooked Side road, are writing to voice our concerns and opinion on the matter of the future developments of lots mentioned above as per requested from letter received dated at Bathurst Township on the 7th day of June, 2016 .

We are not in agreement, and do not give or consent for the addition of lot B16/063, B16/064 and B16/065. Even if the work seems to have already started across 147 Crooked Side road. (Creation of a new ditch on the North East side of the street which started June 22, 2016 and ended June 23, 2016)

The reason why we are not supportive or willing to grant authority for this development is the issue of improper drainage of Crooked Side road. Crooked side road's drainage solely relies on a small culvert located at 147 Crooked Side road that drains south west into Kings Creek which is not maintained by the township of Beckwith.

Increasing the numbers of property on Crooked Side road will only add more weeping systems that will drain into this undersized culvert and could result in extensive flooding at 147 Crooked Side road.

Every spring our backyard floods and adding more properties would only make matters worse.

This being said, we are open minded to the idea of having the township of Beckwith and/or Ottawa West Development Inc. to properly input a drainage ditch that would drain North East side of Crooked Side road all the way to Franktown road.

Also we would consider the enlargement of the undersized culvert by the Township of Beckwith and/or Ottawa West Development Inc. on the South West Side of Crooked Side road located at 147 all the way to Kings Creek. (Heavy Equipment would need to work on property West of 147 Crooked Side Road due to lack of operating space)

For these reasons the owners of 147 Crooked Side Road are not granting our consent (not giving permission) for the above mentioned plots.

We're willing to review our decision if the Township of Beckwith and/or Ottawa Development Inc. are prepared to improve drainage ditch of Crooked Side Road.

**(d) PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.65-ha parcel of land as a lot addition to lands owned by Robert and Susannah Newell at 210 Richmond Road. This proposal is part of the larger proposal which will include the severance of an additional five lots followed by a future subdivision consisting of approximately 85 residential building lots.

The southern portion of the subject lands is located in an area characterized by typical semi-urban residential development within the settlement area of Prospect. The northern portion of the land is vacant with a majority of the lands being within a PSW (Prospect Bog).

Road Access

B16/069 does not have frontage on an opened municipal road, however the lot to be enlarged fronts on Richmond Road, a County maintained road, the retained lands area accessed via Crooked Sideroad and Ashton Station Road.

Natural Heritage

An Environmental Impact Statement (EIS) was undertaken on the entire lands as part of the background reporting requirements for the future plan of subdivision. Concerns were raised with regards to the additional lots (B16/064 to B16/068) which will require additional review and reporting due to the proximity with the

wetlands located on these lands. However, no concerns were raised with the lot addition proposal.

Bedrock Inventory – dolostone, sandstone

Source Water Protection

A portion of the severed and retained lands are within an area called “Significant Groundwater Re-charge Area’. These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. Groundwater can also be vulnerable to contamination in these areas depending on the depth and type of soil.

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

Zoning

The subject property is currently within the residential section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot as enlarged meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

The Provincial Policy Statement encourages development to occur in designated *settlement areas*. 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, however concerns were raised by MNR regarding wetlands, species at risk and habitat. While the proposal and background materials maintain the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Beckwith it is recommended that additional documentation and reporting be undertaken – this could be accomplished as a ‘condition of consent’ or alternatively, given the time and timing required to carry out the evaluation that the application be deferred until the spring.

**(e) MINUTES – December 12, 2016**

No persons attended the hearing.

Public comments were received on the issue(s) of drainage. Comments were thoroughly considered but the effect did not influence the decision of Committee to (approve/deny) the application.

Comments were received from agencies on the issue of development adjacent to a PSW. The comments were addressed through notes to the provisional consent.

Committee reviewed the staff report and draft conditions. The conditions were revised to include a condition to consolidate the lands with the adjoining property.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

**(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.

**B16/069**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee 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 James Newell and Susannah Elis Smith Newell at Pt. Lot 26/27 Conc. 4 Beckwith being Part 1 on Plan 27R-2426 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. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *The Rideau Valley Conservation Authority advises that, the Prospect Bog and its 120 metre adjacent lands are subject to Ontario Regulation 174/06. 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 and severed parcels in the following manner: Any development within the Prospect Bog Provincially Significant Wetland and its 120 metres adjacent lands requires the prior written approval of the Rideau Valley Conservation Authority. Development in the wetland is not permitted. Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority (including watercourse crossings),*
3. Source Water Protection  
*The applicant is advised that the severed and retained parcels are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: [www.mrsourcewater.ca](http://www.mrsourcewater.ca) .*



**LAND DIVISION STAFF REPORT  
APPLICATION FOR CONSENT**

<b>Owner:</b> Christie Lake Cottages & Marina Inc.	<b>Hearing Date:</b> Dec. 12, 2016
<b>Applicant/Agent:</b> Stephen Day	<b>LDC File #:</b> B16/080
<b>Municipality:</b> Tay Valley Township	<b>Lot:</b> 21 <b>Conc.:</b> 3
<b>Geographic Township:</b> South Sherbrooke	<b>Consent Type:</b> new lot
<b>Roll Number:</b> 0911 914 020 63100	

**Purpose and Effect:**

To sever a 1.16-ha residential lot with an existing cottages, together with an easement/r-o-w over Parts 4 and 7 on Plan 27R-4203 and to retain a 0.6487-ha commercial lot with a dwelling, marina and storage structures located at 203 Christie Lake Lane 32.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Cottage & boat shed	Dwelling, marina, storage
<b>Proposed Use</b>	Cottage & boat shed	Dwelling, marina, storage
<b>Area</b>	1.16-ha	0.65-ha
<b>Frontage</b>	116 m	115 m
<b>Water Frontage</b>	62 m	172 m
<b>Depth</b>	203 m	120 m
<b>Road - Access to</b>	Private road	Private road
<b>Water Supply</b>	Lake	Private well
<b>Sewage Disposal</b>	Septic System	Septic System
<b>Zoning By-law Category</b>	Tourist Commercial & Seasonal Residential	Tourist Commercial & Seasonal Residential
<b>-Area (minimum)</b>	May require rezoning to	0.405-ha
<b>-Compliance?</b>	Limited Service Residential	Yes
<b>-Frontage (minimum)</b>		60 m
<b>-Compliance?</b>		Yes

**Official Plan Designation:** Rural

**Conformity:** 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.

#### **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.

#### **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 evaluate 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 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, 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 3.6 Rural, Section 4.5 Private 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 5.2 Seasonal Residential Zone, Section 5.3 Limited Services Residential, Section 6.3 Tourist Commercial Zone.

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

**(b) AGENCY REVIEW**

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

**Township Planner’s Report - BACKGROUND**

The proposal is to sever a 1.16 ha waterfront lot with an existing cottage and retain a 0.6 ha waterfront lot with residence and commercial marina/storage facility located at 203 Christie Lake Lane 32.

**DISCUSSION**

Consistent with Provincial Policy Statement	Yes
Conforms to Official Plan	Yes
Complies with Zoning By-Law	Yes
Recommend consent for this application	Yes

**Recommended Conditions**

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Payment of \$200 Cash-in-Lieu of Parkland

**Advisory Notes**

- No development is to occur within 30 metres of a waterbody. If development occurs within 100 metres of a waterbody then a Site Plan Control Agreement will be required.

**PROVINCIAL POLICY STATEMENT**

No concerns.

**OFFICIAL PLAN**

Section 3.6 Rural permits both residential and Tourist Commercial uses.

**ZONING BY-LAW**

The parcel is zoned Rural and Tourist Commercial, with some Tourist Commercial erroneously extending onto the neighbour's property (this will be fixed as part of the General Amendment to the Zoning Bylaw being undertaken this Fall). The size and frontage requirements are met by the proposed and retained lots: at 1.16 ha and 62m frontage for the proposed lot and .6ha and 172 m frontage for the retained lot.

Rideau Valley Conservation Authority (RVCA) has no objection to the application provided that any future redevelopment, on both the severed and retained lots, attempts to achieve a 30m setback.

Mississippi Rideau Septic System Office (MRSSO) has no objections; both severed and retained lots are currently serviced by holding tanks. MRSSO requires a legal survey to include the location of the sewage systems and ensure a minimum separation distance of 3m to the new property line. The topography and area for both the severed and retained lots are capable of supporting an OBC compliant sewage system at a 30m setback.

**CONCLUSION**

The Planner recommends that consent be granted to this application, subject to the conditions and advisory notes listed.

**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 (or legal description) and transfer document be submitted to the Township.
4. That, payment of \$200.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands,

**Conservation Authority** – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has reviewed this application considering; Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act.

The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act, the considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study" and the related

"Municipal Site Plan Evaluation Guidelines", The Tay River Subwatershed Report (Pike Lake Catchment Summary).

#### The Proposal

The application seeks approval to sever the existing waterfront cottage (1.16 ha and 62 meters waterfront) from the holding, retaining the owner's residence and commercial marina/storage facility (.6 ha and 172 metres waterfront). No new development is proposed at this time.

#### The Property

The proposed lot to be created has an existing cottage and accessory buildings/ storage structures on the rear of the lot. The shore and slope to water between the existing cottage on the proposed severed parcel falls very steeply from the crest of slope/old retaining wall to the water. Despite the extreme grades on the frontage, the slope appears to be relatively stable. At and to the north of the cottage, the site levels off considerably, with the high land behind the cottage being relatively level. The retained lot is similar in its slope character, though much less pronounced at and along the waterfront. Soil cover is shallow sand over bedrock over much of the site.

The area between the crest of slope and the cottage and water has been disturbed over time and is currently an informal lawn.

#### Comments/Recommendations

As you know, we look to achieve the best possible environmental outcome for the lake; a no net decline in recreational water quality, and prevention of sediment and erosion as a result of development or re-development.

For the owner's information, the Christie Lake Catchment Summary (Tay Subwatershed Report - 2011) indicates that the Water Quality Rating for the Lake is "Good"; nutrient concentrations are typically below provincial guidelines. Nutrient enrichment can be a problem in lakes as it may lead to profuse algal blooms and abundant plant growth. This report characterizes Christie Lake as a lake with clear waters and moderate nutrient levels. Abundant aquatic vegetation (macrophytes) may occur but the lake should generally have good aesthetics for recreational use. Oxygen levels and water temperature potential for the aquatic ecosystem to be impacted by increasing nutrients which could result in poor oxygen levels that may stress the resident fish population.

Residents should consider the cumulative effect of their activities on the lake and what individual landowners can do to protect water quality. While the lake is considered to be healthy, there is a potential for the aquatic ecosystem to be impacted by increasing nutrients which could result in poor oxygen levels that may stress the resident fish population. Residents should consider the cumulative effect of their activities on the lake and what can be done to about it.

The Rideau Valley Conservation Authority does not object to the consent provided. Should redevelopment be proposed in the future, we would support attempts to increase the water setback for disturbance or development towards the standard 30 metres, save for water access facility.

For the owners' future reference, as regards to flood and erosion and recreational water quality protection considerations of the RVCA, the "Development,

Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) also requires the written approval of the RVCA in the future prior to straightening, changing, diverting, or interfering with the watercourses and shoreline of Pike Lake. Any new shoreline works (such as, but not limited to shoreline protection or docking/access) requires prior written approval from our office.

Please advise us on the Township's decision respecting this application or any changes in the status of the application and do not hesitate to contact the undersigned should you have any questions regarding our comments.

**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).

The applicant proposes to sever 1.16 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is developed with a 68.75m<sup>2</sup> cottage and 278.7m<sup>2</sup> boat shed. The cabin is serviced by a holding tank. No test pits were provided.

The retained parcel is approximately 0.6487 hectares. The property is developed with a house, marina and storage. The house is serviced by two large holding tanks. The system was re-inspected in 2013 (13TV124). No test pits were provided.

As the application provides an existing survey with the proposed property boundaries hand drawn in; the hand drawn lines do not accurately represent the location of the proposed property boundary in relation to the current sewage systems. The MRSSO requires a legal survey to include the location of the sewage systems and ensure a minimum separation distance of 3m to the new property boundary is provided. Once submitted and reviewed the MRSSO may issue a clearance letter if the conditions have been met.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant sewage system greater than 30m from all surface water bodies.

**Hydro One Networks**

In response to your letter regarding the application for consent to convey the subject lands, Hydro One Networks Inc. DOES HAVE PLANT.

We will require an easement as shown on the draft plan as well as the sketch (attached) in order to protect our interest prior to the severance.

Please forward the deposited survey to me that defines Hydro One's easement requirement. Once in receipt of the survey I will then forward this matter to our solicitors, Barriston LLP to coordinate registration of the easement.



### **Bell Canada R-O-W**

Subsequent to review by our local Engineering Department, it has been determined that Bell Canada has no concerns or objections with the application.

### **(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:

#### **Kevin Cornell – October 10, 2016**

We request to be notified of the decision of the Land Division Committee.

#### **Kevin Cornell – October 11, 2016**

I prepared these recommendations in conjunction with the property owner, Ms. Yugin Wong, as a result of receiving a circulation notice provided to every landowner within 60 metres of the subject lands.

My recommendations relate to the following characteristics of the consent application:

- adequacy of vehicular access;
- water supply, sewage disposal;
- Zoning;
- Environmental Site Assessment.

Recommendations:

1. Adequacy of Vehicular Access

The retained and severed lands are accessed from the municipal road via a private road that crosses two properties (Briggs, Wong). The road is described in various historical documents as a "strip of land, ten (10) feet in width", a "passageway", or a "travelled pair of tracks".

Prior owners may have thought they implemented an easement or right-of-way, however, advice and guidance received from the Ontario Land Registry Office in Almonte indicates there is no valid easement.

- A purported right-of-way from 1957 details it 'as being a strip of land, ten (10) feet in width with a path description. This document is unsigned and unregistered. There were eight property owners listed in the second part of this document. To accompany and reinforce the lack of execution of this right of way is a 1976 letter requesting annual maintenance fees and a commitment to see that each cottager has a "proper right-of-way deed" prior to an upcoming change of ownership for the NorVic Lodge.
- Our property changed ownership in 1981 under a power of sale to the predecessor on title. Ontario Bulletin, 2005-02 Easements and Release of Easements informs that easements may "cease to exist" as a consequence of a power of sale transaction.
- Our property's registered lot description (Instrument 82228) dated May 14, 1981 prepared by J.G. Payette O.L.S., describes "Parcel 1" with no mention of an easement.
- Plan 27R-4203 prepared by Brian Kerr, O.L.S. received in 1989 by the Deputy Registrar, M. Bovington, refers to instrument 82228 as the source of the easement description. The portrayal in this Plan describes a "20' travelled right-of-way" along the same path description of the purported 1957 right-of-way.

This evidence suggests some irregularities in the administration of the titles affecting these properties. It is in the interest of the public good to set these matters right.

An easement or not, a single-lane, ten (10) foot wide access is not sufficient to support the existing thirty properties provided with access through our property. The character of these properties has changed with many properties functioning year round conflicting with the seasonal use zoning they possess. The Marina use has changed from servicing lake bound watercraft to those from much farther afield. This leads to large trucks pulling a variety of watercraft through a narrow access lane with limited sightlines, blind hills and corners. These use stressors were not contemplated when the access lane was constructed. Significant access infrastructure must be implemented to offset the decades long deficit. It cannot be borne solely by the private landowners on whose lands the access lanes are situated.

I recommend a valid easement be put in place for the properties in question. In addition both the severed and retained property owners will be required to carry sufficient liability insurance for the use of the access lane and list both access lane property owners as named insured on those policies. This will apply to all authorized users of the right-of-way.

I recommend no further zoning conversions from seasonal residential. to residential limited service, nor land severance requests until the municipality addresses the road infrastructure responsibilities related to the impacted private roads.

#### 2. Independent sanitary and water services

Each parcel of land (severed and retained) must have separate storm, sanitary and water services.

It is my understanding the Christie Lake Cottages and Marina property uses a septic holding system and it is pumped out on a frequent basis. The septic pumping service requires a large pump-out truck that transits our property on a weekly basis. A proper and modernized septic system would minimize this type of traffic through our property.

I have been told the subject property's septic pit is located uphill from the main residence beside the "boat shed" located in the severed lands. This indicates the septic system crosses the new intended boundaries. The presence of grey water bypass systems were popular on older septic systems. I have observed flows of soapy bubbles flowing into the bay towards the shore of our property from the western side of the bay.

I recommend an inspection of the existing septic system and that proper septic and water supply facilities are implemented for each parcel. The septic facilities must be compliant with part 8 of the Ontario Building Code.

#### 3. Zoning - Minimum Lot Size

The Commercial Tourist (CT) Zone has a minimum lot area of 1 Ha. The retained lot is .65 Ha. This size of lot is unsuitably small to operate a marina facility. Commercial activities are undertaken on seasonal residential portions of the retained lands.

I recommend the sizing of the lots be adjusted to conform with the Zoning specification.

#### 4. Commercial Use within Severed Lands

The lands to be severed includes the "boat shed" referred to on Plan 27R-5006. These lands, facilities and buildings should be excluded from participating in the commercial activity of the Marina operating within the CT zone.

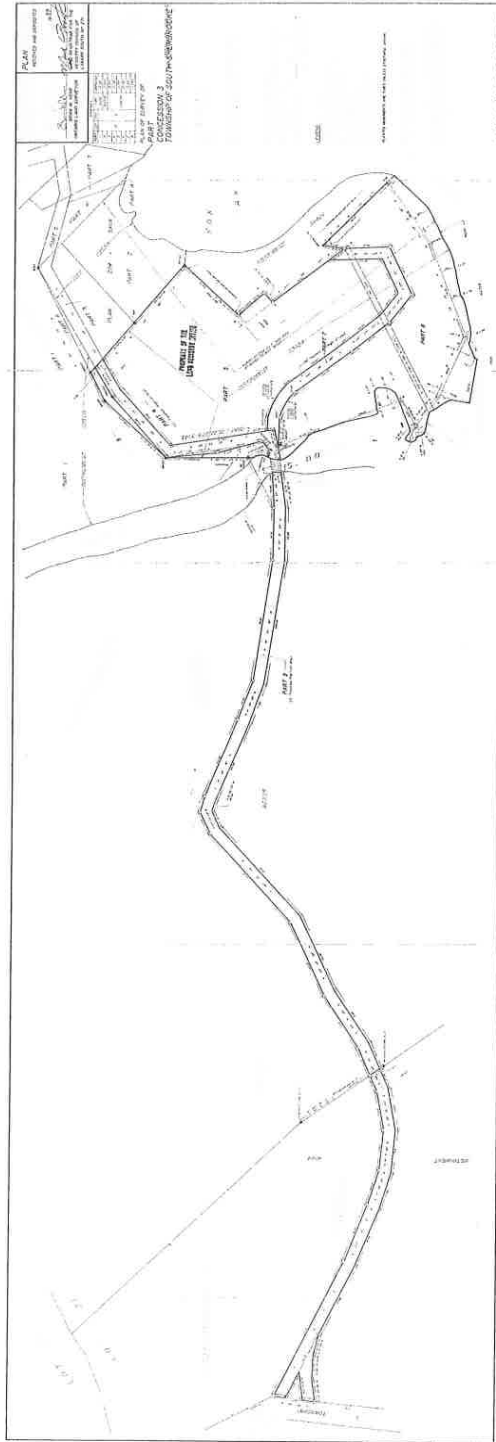
I recommend a restrictive covenant be placed on the severed lands to prevent their use for purposes related to the commercial activity within the adjoining CT zone.

#### 5. Environmental Site Assessment

It is a regular practice for properties with commercial uses like a garage or gasoline outlet to undergo an environmental site assessment (ESA) to determine if contaminants are present and, if so, the location and concentration of these contaminants. This property has operated a boat engine repair and maintenance facility since 1940. It is a gasoline outlet. The practices in the 40s, 50s and well beyond that have been to dump waste oil and other engine byproducts into waste holes at the back of properties.

I recommend an environmental site assessment of at least a level two due to a change in use of the property from commercial to residential.

These recommendations are respectfully submitted.





82228

SCHEDULE "A"

PARCEL 1

82228

LEGAL DESCRIPTION

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Township of South Sherbrooke, in the County of Lanark, and being composed of a Part of Block lot 21, in the 3rd concession of the said Township of South Sherbrooke, which said parcel or tract of land may be more particularly described as follows:-

PREMISING that all bearings herein are astronomic and are referred to the meridian through the centre of said lot 21:-

COMMENCING at an iron pipe in the line of an old fence intending to define the Northeasterly limit of said lot 21, which said pipe is distant 267 feet 4 inches measured South 41 degrees 20 minutes East from the Southeasterly limit of the public road crossing said lot 21; THENCE South 22 degrees 15 minutes West, to an d along the line of a wire fence, a distance of 551 feet 10 inches to an angle therein; THENCE South 30 degrees 52 minutes West, 262 feet 9 inches to an iron bar planted; THENCE South 6 degrees 42 minutes East, 662 feet 8 inches to an iron bar planted; THENCE South 48 degrees 07 minutes East, a distance of 200 feetmore or less to a point in the High Water Mark of Christie Lake; THENCE Northeasterly and Northerly along said High Water Mark to its intersection with an old rail fence intending to define the North Easterly limit of said lot 21; THENCE along the line of said rail fence in a general bearing of North 41 degrees 20 minutes West, to the .point of commen- cement.

Vanier, Ontario

May 14, 1981

*J. G. Payette*  
J. G. Payette, O.L.S.

THE DESCRIPTION OF THE LAND IN THIS INSTRUMENT DOES NOT COMPLY WITH THE REGULATIONS UNDER THE REGISTRY ACT. A REVISED DESCRIPTION MAY BE REQUIRED IN SUBSEQUENT INSTRUMENTS.  
*Mark G. Boring*  
REGISTRAR

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 1.16-ha residential lot with an existing cottage, together with an easement over Part 4 and 7 Plan 27R-4203 in favour of the severed lands and the adjacent landowner – Francis Cameron and Trina Code, and to retain a 0.6487-ha residential/commercial lot with an existing dwelling, marina and storage located at 203 Christie Lake Lane 32.

The applicant has provided the transfer/deed for the lands which clearly indicates that these lands have an easement/r-o-w over Part 1 and 2 on Plan 27R-4203, which crosses the Wong/Briggs properties and is known as Christie Lake Lane 32. This survey plan indicates the private road width as being 20 feet.

The subject lands are located in an area characterized by typical seasonal residential along the shore of Christie Lake.

**Road Access**

The lands are accessed via Christie Lake Lane 32 an existing private road, which adjoins Christie Lake North Shore Road, a municipally maintained road.

**Soils Inventory - Tweed**

**Bedrock Inventory – marble, calc-silicate**

**Archaeological**

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

**Environmental Site Assessment**

Concerns were raised by adjacent landowners as to the use of possible contaminants (gas, oil, etc) associated with the marina operation. As a precautionary measure the application was requested to provide details of the previous uses on the lands:

Dates & description of Use	Property to be severed	Retained Property
1929 to 1949	Cottage - seasonal	Empty land
1949 to 1986	Cottages - seasonal	Cottages, home, marina, store
1986 to 2001	Cottages - seasonal	Cottages, home, marina, store
2001 to present	Christie Lake Cottage & Marina	Cottages, home, marina

Mr. Day also provided the following information:

1. There are no contaminants in the lands that are to be severed. We do not store any types of contaminants on that property. We have no intention of changing this.
2. We have no intention of changing the zoning of the severed lands. It is to be used as a cottage property.

3. The shed, or storage facility on the severed lands is used in the summer as a general storage shed. We store bikes, cars motorbikes, Christmas decorations etc. In the winter we store boats.
4. The road is currently maintained by a collective group. Each property owner put in approx. \$100.00 per summer to keep the road smooth with gravel. In the winter we hire a 3rd party snow plow and the 4 or 5 winter residents split the costs equally. In both the summer and winter we have a gentleman's agreement to put money towards the maintenance of the road.

#### State of the Lake Report

A "State of the Lake Environment Report" was undertaken on Christie Lake in 2005. The report was able to conduct a comparison between water quality conditions as they existed in 2005 to results obtained from 1970 to 2005. The historical data and the results of the 2002 to 2005 sampling indicate that Christie Lake is in early mesotrophic stage. On average, nutrient concentrations are relatively low, however, there is sufficient for weed growth in bays and shallow areas and algae blooms have occurred and will continue to occur. The lake was also tested for invasive species. It does appear that Zebra mussels have become established in the lake so precautions should be taken by all residents, landowners and recreational users of the lake to control the spread from other lakes in the region. No spiny water fleas have been found in any of the samples since 2003. The amount of phosphorous reaching any lake is the main cause of aging. The process of lake aging can be slowed by all users taking a stewardship approach and making sure that they minimize their impact on the lake environment.

#### Endangered Species

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 did 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. 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, 1991.

### 3. Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover.

Woodland Development Policies have not been established by Tay Valley.

#### Zoning

The subject property is currently within the seasonal residential and tourist commercial section of the Zoning By-law, which permits a number of uses, including single-detached dwellings and a marina. 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 Township and could be given favourable consideration.

#### (e) **MINUTES – December 12, 2016**

Stephen Day, applicant, Penny Nault, adjacent landowner and Kevin Cornell, adjacent landowner attended the hearing and gave evidence under oath.

Mr. Day provided background information on the proposal. Noting that all but one cottage on the severed lands has been removed and that all cottages on the retained lands have been removed with the exception of the former lodge, which has been converted to a family residence. As well, the gas pump (above ground) has been removed in accordance with TSA Regulations and the 'booth' has been closed. The storage of boats will remain for this year only.

Ms. Nault expressed concerns that there may be soil contamination from the previous use of the property, e.g. oils, gas, batteries, disposal of marina type parts, etc. And questioned why the commercial use was remaining on the retained lands.

Mr. Day advised that he was unaware of any soil contamination in the 15 years which he has owned the property. And noted that the commercial use on the severed lands is being removed, but will remain on the retained lands as he hi not

sure of his future plans for the property at this time.

Mr. Cornell expressed concerns regarding the private road access and its adequacy e.g. width, upkeep, repairs, etc., and questioned if Mr. Day had a legal right to use the right-of-way.

Mr. Day confirmed with his lawyer that his deed clearly outlines the private right-of-way access across Mr. Cornell's lands to the municipal road.

Mr. Cornell expressed that the 'Power of Sale' in 1981 extinguished and r-o-w or easements over his lands.

The Committee advised that the transfer/deed submitted by Mr. Day with his application for consent (Dated Dec 14, 2001) clearly shows that his lands are together with a r-o-w/easement over Parts 1 and 2 on Plan 27R-4203, which the private road is known as Christie Lake Lane 32.

Committee then reviewed the draft conditions.

Public comments were received on the issue(s) of access, previous and future use of the property. The comments were addressed through conditions to approve.

Comments were received from agencies on the issues of site plan control, zoning, septic's, CA regulations and Hydro easements. The comments were addressed through conditions to approve the application.

The conditions were revised to clearly indicate that the r-o-w be registered on title and that the applicant confirms that the lands are zoned appropriately.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

**(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.

**B16/080**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate right-of-way (to be registered on title) shall be reserved over the lot to be retained in favour of the lot to be severed and all those who are currently entitled.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. Payment shall be made to Tay Valley Township representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
9. Satisfactory evidence shall be provided to Tay Valley Township confirming that the lot to be severed and the lot to be retained comply with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
11. The applicant shall provide Hydro One with a copy of all reference plans associated with this application, which indicates the easement requirements as set out in their report of October 11, 2016.
12. The applicant shall enter into easement agreements with Hydro One Networks Inc., as outlined in their report of October 11, 2016.
13. The survey plan as required by Condition #1 above shall include the location of the sewage systems and shall ensure that a minimum separation distance of 3m to the new property boundaries.
14. The applicant shall provide the Mississippi-Rideau Septic System Office with a copy of the reference plan associated with this application if a survey is required by the Land Titles Office.
15. A letter shall be received from Hydro One Networks Inc. stating that condition #11 and #12 has been fulfilled to their satisfaction.
16. A letter shall be received from Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.
17. A letter shall be received from the Mississippi-Rideau Septic System Office stating that condition #13 and #14 has been fulfilled to their satisfaction.

**NOTES**

1. *Tay Valley Township advises that no development is to occur within 30 metres of a waterbody. If development occurs within 100 metres of a waterbody then a Site Plan Control Agreement will be required.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should*

*immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*

3. *The Rideau Valley Conservation Authority advise that, should redevelopment be proposed in the future, we would support attempts to increase the water setback for disturbance or development towards the standard 30 metres, save for water access facility.*
4. *For the owners' future reference, as regards to flood and erosion and recreational water quality protection considerations of the RVCA, the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) also requires the written approval of the RVCA in the future prior to straightening, changing, diverting, or interfering with the watercourses and shoreline of Christie Lake. Any new shoreline works (such as, but not limited to shoreline protection or docking/access) requires prior written approval from our office.*
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 and Forestry 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

<b>Owner:</b> Gordon Rymal	<b>Hearing Date:</b> Dec. 12, 2016
<b>Applicant/Agent:</b> Gord Rymal	<b>LDC File #:</b> B16/103
<b>Municipality:</b> Tay Valley Township	<b>Lot:</b> 6 <b>Conc.:</b> 2
<b>Geographic Township:</b> South Sherbrooke	<b>Consent Type:</b> lot addition
<b>Roll Number:</b> 0911 914 015 13700	

#### **Purpose and Effect:**

To sever a 690 sq.m. parcel of land as a lot addition to lands owned by the Estate of Bonnie Rymal at 196 Farren Lake Lane 41 and to retain a 1,380 sq.m. seasonal residential lot at 198 Farren Lake Lane 41.

The purpose of the lot addition is to establish the area of the existing holding tank within the lands to which it services.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Holding tank	Seasonal residential
<b>Proposed Use</b>	Lot addition	Seasonal residential
<b>Area</b>	690 sq.m.	1,380 sq.m.
<b>Frontage</b>	18.3 m	27.4 m
<b>Water Frontage</b>	15 m	30 m
<b>Depth</b>	46 m	46 m
<b>Road - Access to</b>	Private Road	Private Road
<b>Water Supply</b>	n/a	Lake
<b>Sewage Disposal</b>	holding tank	Holding tank
<b>Zoning By-law Category</b>	Seasonal Residential	Seasonal Residential
<b>-Area (minimum)</b>	n/a – lot addition	0.4-ha
<b>-Compliance?</b>		No
<b>-Frontage (minimum)</b>		60 m
<b>-Compliance?</b>		No

**Official Plan Designation:** Rural

**Conformity:** 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.

### **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.

### **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 evaluate 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 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, 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 2.16 Non-conforming Existing Land Uses, Section 2.19 Cultural Heritage, Section 3.6 Rural, Section 4.5 Private 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 3.12 Non-conforming Uses and Non-complying Uses, Section 5.2 Seasonal Residential.

Tay Valley Township has advised that the proposal does not comply with the zoning by-law regulations, however will entertain a minor variance application to address the non-compliant setback issues.

**(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 -**  
**BACKGROUND**

The proposal is to sever a 690m<sup>2</sup> parcel as a lot addition to accommodate an existing holding tank and legalize encroachment of a portion of the cottage situated on receiving lot.

**DISCUSSION**

Consistent with Provincial Policy Statement	Yes
Conforms to Official Plan	Yes
Complies with Zoning By-Law	No
Recommend consent for this application	Yes
Recommended Conditions	

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan

**PROVINCIAL POLICY STATEMENT**

No concerns,

**OFFICIAL PLAN**

Section 3.6 Rural.

**ZONING BY-LAW**

Both parcels are zoned Seasonal Residential and will remain as seasonal uses. The application will adjust the lot line between two family properties to reflect existing buildings. Both lots will remain undersized; the receiving lot will be 2997m<sup>2</sup> and the retained lot will be 1576m<sup>2</sup>.

We note, as did the RVCA comment, that there is no frontage on the private road to either lot so there is potential for lot additions to enlarge both lots slightly and gain frontage on the road.

**CONCLUSION**

The Planner recommends that consent be granted to this application, subject to the conditions and advisory notes listed.

**ADDITIONAL INFORMATION**

The applicant does not propose any change in use (lands will remain 'seasonal residential') – non-complying setbacks will be addressed through the minor variance. Minor variance application to be included as a condition.

**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 (or legal description) and transfer document be submitted to the Township.

(Note: The TVT Planner confirmed by e-mail that the application would require a Minor Variance to recognize the lot setback deficiencies.)

**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 September 14, 2016.

The applicant proposes to sever a 690m<sup>2</sup> parcel from the east portion of the retained parcel for a lot addition. The lot addition will be provided to 196 Farren Lake Lane 41 . The proposed parcel currently contains the holding tank that serves 196 Farren Lake Lane 41.

The retained parcel is 1,380m<sup>2</sup>. The property is developed with a dwelling. A Class 5 (Holding Tank) sewage system serves the current dwelling, permit # SF83987.

The addition as proposed will bring the Class 5 sewage system at 196 Farren Lake Lane 41 back into the jurisdiction of the Ontario Building Code. The lot addition as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system, on either lot.

Given the above information, our office has no objections to the severance as proposed. An approved septic permit is required prior to the issuance of most building permits.

**(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:

Richard Hicks – Nov 2, 2016

My brother and I own the cottage next door to Gord Rymal. We have no objections to the severance.

**(d) PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 690 sq.m. parcel of land as a lot addition to lands owned by the Estate of Bonnie Rymal to establish the area of the existing holding tank for 196 Farren Lake Lane 41 and to retain a 1,389 sq.m. seasonal residential lot at 198 Farren Lake Lane.

The subject lands are located in an area characterized by typical seasonal residential, along the shore of Farren Lake.

Road Access

The lands are accessed via Farren Lake Lane 41 a private road which adjoins Bollingbrooke Road, a County maintained road.

Soils Inventory - Monteagle

Bedrock Inventory – Marble, calc-silicate

Archaeological

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

State of the Lake Report

A “State of the Lake Environment Report” was undertaken on Farren Lake in 2001. The report was able to conduct a comparison between water quality conditions as they existed in 2001 to results obtained from 19705 to 2001. The historical data and the results of the 2001 sampling indicate that Farren Lake has a low level of nutrients well below the accepted threshold values above which impacts can be expected. Minor algae blooms may occur occasionally but the impact will be minimal. There was no indication of any bacterial pollution occurring. The lake was also tested for invasive species. Neither the zebra mussels nor spiny water flea were found. However, residents need to take precautions to avoid bringing in invasive species as well as to ensure that access points to the lake have signs indicating what boaters can do to avoid infesting the lake. Farren Lake enjoys some renown for high quality fishing of species not found in other area lakes. To preserve this status, residents have undertaken shoreline replanting, septic surveys, etc.

Endangered Species

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:

Gray Ratsnake (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, 1991.
3. Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by Tay Valley Township.

Zoning

The subject property is currently within the seasonal residential section of the Zoning By-law, which permits a number of uses, including single-detached seasonal dwellings. Both the lot to be enlarged and the retained lot are undersized in accordance with the Zoning By-law.

Retained lot: 2,266 sq.m. – 690 sq.m. = 1,576 sq.m.

Enlarged lot 2,307 sq.m. + 690 sq.m. = 2,997 sq.m.

However, both lots are considered as 'Non-Conforming Uses" within the Zoning By-law. Section 3.12.2 of the Zoning By-law provides that a non-conforming use may not be changed to another use without an amendment to the zoning. Mr. Rymal has indicated that there is no change in use planned at this time, and the Township has agreed to provide for the variance in setback requirements through a minor variance application.

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 Township and could be given favourable consideration.

**(e) MINUTES – December 12, 2016**

No persons attended the hearing, however the owner advised that he would be available by telephone to answer any questions.

Public comments were received in support of the application.

Comments were received from agencies on the issues of requirements for a Minor Variance and septic's. The comments were addressed through conditions to approve the application.

Committee reviewed the staff report and draft conditions. The conditions were revised to include a conditions requiring consolidation of the lands on title.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

**(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.

**B16/103**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee 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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by the Estate of Bonnie Rymal at Pt. Lot 6 Conc. 2 South Sherbrooke being Part 2 on Plan 27R-6298 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".
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. The applicant shall obtain appropriate relief from the minimum setback provisions of the Zoning By-law for Tay Valley Township by way of a minor variance. The applicant shall consult directly with the Township in this regard.
9. A letter shall be received from Tay Valley Township stating that condition #4 through #8 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. *Tay Valley Township advises that any change in use from seasonal residential for either the retained lot or the lot to be enlarged will require a re-zoning.*
3. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or*

*indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*The Ministry of Natural Resources and Forestry 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**

<b>Owner:</b> Robert James Newell and Susannah E. Smith-Newell	<b>Hearing Date:</b> Dec. 12, 2016
<b>Applicant/Agent:</b> ZanderPlan Inc.	<b>LDC File #:</b> B16/111
<b>Municipality:</b> Township of Beckwith	<b>Lot:</b> 26 & 27 <b>Conc.:</b> 4
<b>Geographic Township:</b> Beckwith	<b>Consent Type:</b> new lot
<b>Roll Number:</b> 0924 000 015 08800	

**Purpose and Effect:**

To sever a 0.834-ha residential building lot and retain a 4.58-ha residential lot with an existing dwelling located at 210 Richmond Road. These lands are also the subject of a 'lot addition' consent under Application No. B16/069.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	0.8341-ha	4.579-ha
<b>Frontage</b>	50 m	379.0 m
<b>Depth</b>	165.6 m	Irregular
<b>Road - Access to</b>	County Road	County Road
<b>Water Supply</b>	Proposed Well	Private Well
<b>Sewage Disposal</b>	Proposed Septic	Septic System
<b>Zoning By-law Category</b>	Residential	Residential
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Settlement Area

**Conformity:** 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.

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 4.3.2 County Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, 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 4.6 Natural Heritage Features, Section 4.18 Servicing Requirements (Private water and sewage services), Section 5 Community Development Areas, Section 7.2 County Roads, Section 9.6 Subdivision of Land.

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

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

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 -**

Proposal is consistent with the applicable policies of the PPS – settlement Area. Proposal conforms to the designations and policies of the Official Plan – Section 5.1 Residential and 4.5 Land Division.

Proposal complies with the zoning by-law regulations – Section 5.1 Residential.

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

1. **THAT** the applicant submits a zoning by-law amendment to establish a holding symbol on the retained lands. The holding symbol shall clarify that additional development would only be permitted when it can be demonstrated that future development would not have an adverse effect;
2. **THAT** the applicant provides the Township with a full-size paper copy of any reference plan associated with the application;
3. **THAT** the balance of any outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Township 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.

**Conservation Authority** – Rideau Valley Conservation Authority

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

**PROPOSAL**

The proposal is to sever a new 2.06 acre lot from the existing parcel to create a new residential lot.

**PROPERTY CHARACTERISTICS**

**Severed Parcel**

The northern portion of the severed parcel is primarily treed while the southern portion of the parcel is primarily cleared.

**Retained Parcel**

The severed parcel is primarily cleared with a treed area in the middle of the property acting as a screen from the road. The retained parcel is developed with a residence, barn and outbuildings.

**REVIEW**

**Natural Hazards**

**Severed and Retained Parcel**

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

**Natural Heritage**

There have been no natural heritage features identified on the severed or retained lands which would preclude this application.

**CONCLUSION**

In conclusion, the Conservation Authority has no objection to this severance application. Please keep us informed on the status of this application.

**Septic Office** – Leeds Grenville and Lanark District Health Unit

Severed lands – a 2.06 acre parcel of land with no existing buildings. Mixed vegetation with few trees. Gently slopes away from main road with few hills.

Variation is soil depth with few exposed rock. Recommendations – Additional

sandy loam fill may be required in the area of the future leaching bed location.

Retained lands – an 11.32 acre parcel of land with existing house, storage shed, 2 septic systems and well. Mixed vegetation with dense trees. Variable slope and drainage. No obvious sign of sewage system malfunction at the time of inspection. Recommendation – severed land will not negatively affect future replacement of existing septic system.

#### **County Public Works**

1/ Lands to be severed have an approved entrance location. Permit #2584 applies. Lands to be retained have an approved existing entrance. Permit #2312 applies. Full entrance applications must be submitted and entrances installed prior to deed endorsement.

2/ Standard conditions – road widening, transfer documents, road closure, approvals & documentation to apply.

#### **Hydro One Networks**

Hydro One has two concerns:

1/ There is an existing 3 phase line that crosses the back part of the severance.

2/ At the entrance there is an existing Hydro One pole with two anchors which lead onto the new severance.

Hydro One would like to secure rights for the existing lines, poles and occupation rights prior to the severance.

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

#### **(c) PUBLIC INPUT**

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

#### **(d) PLANNING REVIEW**

##### **Background and Summary**

The applicant proposes to sever a 0.834-ha residential building lot and retain a 4.58-ha residential lot with an existing dwelling located at 210 Richmond Road. These lands are also the subject of 'lot addition' consent under Application No. B16/069.

The subject lands are located in an area characterized by typical urban residential within the hamlet of Prospect. The effect of the lot creation is 'infill', a process recommended by the PPS.

##### **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 161m. This measurement crosses the rear lot line of the proposed severance. However, given the size of the lot, the landowner will be able to obtain a 1.0- acre building envelope outside the MDS area. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Road Access

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

Water Supply

Section 4.5.1 of the Beckwith Official Plan subsection (xviii) states “*Additional information or studies relating to quality and quantity of groundwater for the proposed development and adjacent lands (such as hydrogeological and terrain analysis studies), drainage, stormwater management, noise or traffic may be required with the submission of an application for a division of land.*” Given that the number of lots developed in the area, consideration should be given to demonstrate that adequate and potable water is available to supply the new development and also maintain the existing development. It is recommended that either a well be constructed or that a hydrogeological evaluation be undertaken to satisfy Section 4.5.1 of the Beckwith Official Plan.

Source Water Protection

A portion of the severed and retained lands are within an area called “Significant Groundwater Re-charge Area’. These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. Groundwater can also be vulnerable to contamination in these areas depending on the depth and type of soil.

Soils Inventory - FarmingtonBedrock Inventory – dolostone, sandstoneEndangered Species

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 did 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. 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'.

#### 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. 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 – December 12, 2016**

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

Ms. Zander questioned if the well testing requirement could reflect adjacent wells, rather than a well on the severed lands and if, the Township had indicated the reasons for the 'holding' symbol, and what needs to be met in order to lift the 'holding' symbol.

Committee agreed that there are merits to the request to utilize adjacent well records for the 'water quality/quantity' aspect for development, due to the number of well within the immediate vicinity.

Comments were received from agencies on the issues of zoning, septic's, hydro easements, lands adjacent to county road requirements and CA regulations. The comments were addressed through conditions to approve.

Committee reviewed the staff report and draft conditions. The conditions were revised to indicate that adjacent well may be used to support the development and that the requirement for re-zoning be revised to be more 'general' in nature, given the uncertainty of the purpose for the 'holding' symbol.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

**(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.

**B16/111**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. That the Owner(s) provide certification to the Lanark County Land Division and the Township of Beckwith that a well has been constructed on the property and that the quality and quantity of the water meets the Ministry of Environment and Climate Change, Regulations, Standards, Guidelines and Objectives. The certification must be prepared by a qualified Professional Engineer, or Professional Geoscientist and it is the Owner's /Applicant's responsibility to coordinate the company/person drilling the well and the professional noted herein in order to properly satisfy this condition.  
  
Alternatively, should the Owner/Application not wish to proceed with the drilling of a well at this time and due to the hydro-geological information that is readily available, the owner/applicant shall submit a report prepared by a Professional Engineer, or Professional Geoscientist utilizing data within the immediate vicinity to demonstrate that favourable groundwater quantity and groundwater quality supports the proposed development.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
6. 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.
7. The lot to be retained shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township of Beckwith in this regard.

8. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
9. The applicant shall provide the Lanark County Public Works Department with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
10. 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.
11. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
12. 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.
13. 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 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.
14. 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.
15. An appropriate easement shall be granted to Hydro One Networks Inc., as outlined in their report dated November 2, 2016. The applicant shall consult direct with Hydro One.
16. A letter shall be received from Hydro One Networks stating that condition #15 has been fulfilled to their satisfaction.
17. A letter shall be received from the County of Lanark Public Works Department stating that condition #8 through #14 has been fulfilled to their satisfaction.
18. A letter shall be received from the Township of Beckwith stating that condition #3 through #7 (and Condition No. 13 if applicable) has been fulfilled to their satisfaction.



**NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required in the area of the future leaching bed location.*
2. *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.*
3. Source Water Protection  
*The applicant is advised that the severed and retained parcels are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: [www.mrsourcewater.ca](http://www.mrsourcewater.ca) .*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. Endangered Species Act, 2007, and Species at Risk in Ontario Background  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*The Ministry of Natural Resources and Forestry 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**

<b>Owner:</b> Thies H. Schacht	<b>Hearing Date:</b> Dec. 12, 2016
<b>Applicant/Agent:</b> ZanderPlan Inc.	<b>LDC File #:</b> B16/113
<b>Municipality:</b> Tay Valley Township	<b>Lot:</b> 16 & 17 <b>Conc.:</b> 6
<b>Geographic Township:</b> North Burgess	<b>Consent Type:</b> lot addition
<b>Roll Number:</b> 0911 911 020 43900	

**Purpose and Effect:** To sever a 0.4-ha parcel of land as a lot addition to lands owned by Janet Marguerite Smith at 208 Black Lake Route 11 together with an easement/r-o-w to others and to retain a 23.8-ha landholding with an existing dwelling located at 245 Islandview Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Lot addition	Residential
<b>Area</b>	0.4-ha	23.9-ha
<b>Frontage</b>	62.5 m	600 m
<b>Depth</b>	100 m +/-	Irregular
<b>Road - Access to</b>	Private Road	County Road & Private Rd
<b>Water Supply</b>	n/a	Private well
<b>Sewage Disposal</b>	n/a	Septic System
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	n/a – lot addition	1.0-ha
<b>-Compliance?</b>		Yes
<b>-Frontage (minimum)</b>		60 m
<b>-Compliance?</b>		Yes

**Official Plan Designation:** Rural, PSW, wetlands

**Conformity:** 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.

### **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.

### **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 evaluate 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 4.3.2 County Roads, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, 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 2.2 Natural Heritage Features, Section 3.6 Rural Policies, Section 4.3 County Roads, Section 4.5 Private 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 5.2 Seasonal Residential, Section 10 Rural.

Tay Valley Township advises that the proposal complies with the zoning by-law regulations, however the wetland portion of the lot addition should be re-zoned to Environmental Protection.

**(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 -**

**BACKGROUND**

The proposal is to sever a 0.4ha parcel as a lot addition to lands owned by Janet Smith at 208 Black Lake Route 11, together with a right-of-way to others over Black Lake Route 11.

The lot addition will help to address concerns over lot size and lot coverage recently raised in the Smith zoning amendment application.

**DISCUSSION**

Consistent with Provincial Policy Statement	Yes
Conforms to Official Plan	Yes
Complies with Zoning By-Law	Yes
Recommend consent for this application	Yes

**Recommended Conditions**

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Zoning Amendment of the wetland to Environmental Protection (EP)
- Execution of a Site Plan Control Agreement on the receiving lot

**PROVINCIAL POLICY STATEMENT**

No concerns.

**OFFICIAL PLAN**

Section 3.6 Rural.

**ZONING BY-LAW**

The lot receiving the addition is zoned Seasonal Residential and will remain as seasonal use. The retained lot is zoned Rural and the lot addition portion has wetland. The Planner agrees with the Rideau Valley Conservation Authority (RVCA) recommendation that the wetland be rezoned to Environmental Protection (EP). RVCA also recommends some site remediation; for instance, pulling back the parking gravel pad. Their site remediation recommendations will be incorporated in a Site Plan Control Agreement as a condition of the severance.

**CONCLUSION**

The Planner recommends that consent be granted to this application, subject to the conditions and advisory notes listed.

**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, the zoning of the wetland be amended to Environmental Protection (EP).
4. That, a Site Plan Control Agreement be executed for the receiving property.
5. That, two (2) copies of an acceptable reference plan (or legal description) and transfer document be submitted to the Township."

**Conservation Authority** – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has reviewed this application considering;

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act.
- The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act,
- the considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study" and the related "Municipal Site Plan Evaluation Guidelines",

**The Proposal**

The application proposes to add land to the rear of an undersized lot and associated right -of-way to improve upon the existing lot area and lot coverage. No additional development (further to the illegal addition currently under review at the Township) is proposed in conjunction with this application.

**The Property**

This .07 acre lot was created in 1987 with a minor variance to allow for and recognize the undersized lot area and water setback at that time. The lot and small

residence are situated on relatively low land lying between the lake and an unevaluated wetland immediately east of the right-of-way as delineated on our mapping and field checked. Water setback (4.88 metres pre-2013) has been reduced (to 3.13 metres with an unauthorized addition and relocation of the deck).

The cottage, which is the subject of ongoing review at the municipality, is serviced by an existing holding tank. No changes are proposed to that service. We understand that the approval authority (Mississippi Rideau Septic System Office) is satisfied that the existing septic service (holding tank) can accommodate the needs of the existing cottage.

There is no substantial natural grade change from the shoreline to the rear of the lot as it exists. The existing lot is occupied by structure/hardened surface (patio, deck, cottage) lawn and informal boat launch, noted holding tank and a new/improved gravel parking area on the east portion of the lot.

There is a scattering of dogwood and silver maple along the water's edge. Otherwise the shoreline is occupied by the dock and an informal grass boat launch, depicted on the site plan. The east end of the waterfront, as noted on the site plan and described above, also accommodates a gravelled parking area extending 8-10 metres from the right-of-way to the unconsolidated shoreline wall. It is not clear as to when the shore wall or parking area were originally installed.

#### Comments/Recommendations

The unevaluated wetland area to the rear of the right-of-way represents about 40% of the lot addition. For the purposes of this review, we have estimated the wetland boundary to be described by the 141.0 masl topographic elevation (see attached mapping). This wetland pocket, elevated .5 metres or less above the normal lake level, collects drainage from local higher ground and drains to Black Lake just north of the property to which the lot addition is to be applied (the existing Smith lot). Per an earlier site inspection in April 2016, the wetland pocket was experiencing some effects of backwater/flood elevations from the lake. We note that the 2016 Official Plan map schedule, shows that at least a portion of the wetland area and lot addition is identified as open water.

Based on the indications above, we generally recommend that lot lines not encroach into the area identified as either water or wetland. Although the area is not identified as Provincially Significant Wetland and therefore not regulated by the RVCA, we do not generally support the fragmentation and/or use of wetland areas for uses other than natural open area or passive recreation. In addition, we generally recommend that a 30 metre setback or no-touch zone be provided for from the environmentally sensitive area of the lot addition ... this essentially would preclude any additional development or site alteration on the lot addition.

We do understand that the purpose of the lot addition is simply to lessen the conformity and compliance issues of lot area and coverage. In this case, the RVCA can support the lot addition, provided that site specific zoning of the wet/and/open water area will be undertaken to protect and preserve the wetland and flood susceptible area described by a substantial part of the lot addition lands.

In an effort to address some of our concerns regarding lot disturbance and alteration at/immediately adjacent to the lake, we recommend that the parking area be reduced in area i.e., replant to native cover and relocate parking space to allow

for a native undisturbed vegetative buffer extending at least 3 metres upland of the high water mark. The same effort and extent of revegetation into native cover should be followed at the launch. It appears that no alteration at the shoreline of Black Lake would be required to address these points (i.e. no RVCA shoreline alteration approval is required for planting native species). While the remaining waterfront west of the dock between the cottage and the water is very limited in area to accommodate extensive revegetation, we support additional plantings as may be possible along the shore to protect against long term water quality degradation and erosion of the shoreline. Lawn retirement and native replanting should be a condition of approval and enacted through site plan control. The RVCA's Shoreline Stewardship staff can assist with species selection/planting recommendations.

We note that in conjunction with the current municipal zoning and site plan applications, the remaining concerns regarding building and zoning non-compliance remain under discussion with the Municipality. While we agree that the lot is limited in its size, it is our understanding that the additions constructed represent additional development which would not be approved if permission had been sought and the additional development does not conform to the requirements of the Official Plan and Zoning By-law (particularly water setback section 3.26).

In summary, RVCA does not object to this proposal provided the area described by the lot addition is recognized as environmentally sensitive through zoning and provided the owner enter into a site plan agreement to the satisfaction of the Township to address lake and wetland protection and setbacks as noted above.

Please note that as of January 1, 2007 the shoreline of Black Lake is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act. Any shoreline work proposed in the future will require a permit from the RVCA.

Please advise us on the Committee's decision or any changes in the status of the application. Thank you for the opportunity to comment and please don't hesitate to contact the undersigned should you have any questions.

**Septic Office** – Mississippi Rideau Septic System Office  
*(NOTE: The comments received from the MRSSO on this application were provided for the previously submitted re-zoning application – the details and report are relevant to both the severance application and re-zoning, therefore no new report was required.)*

A review has been undertaken to ensure that a sewage system meeting the minimum requirements established in Part 8 of the Ontario Building Code (OBC) can be installed, replaced, maintained/operated given the new development proposed for the site. A site visit was conducted May 2, 2016.

The purpose of this application, as understood by this office, is to rezone the property from Seasonal Residential to Limited Services Residential Exception.

The property is approximately 0.04 ha. It is developed with an existing dwelling with several additions and decks. The property owner confirmed the dwelling is comprised of one bedroom, 7.5 fixture units and is approximately 66m<sup>2</sup> in area.

The dwelling is serviced by a Class 5 sewage system (P67780). The sewage system was re-inspected in 2007 (07TV146).

Although the design flow for the building has not changed, the potential use has increased due to the increase in living space. The MRSSO recommends that a high level alarm be installed in the holding tank to provide advance warning of when the holding tank is nearing capacity.

The MRSSO is supportive of this application for Zoning By-law Amendment as proposed, given the requirements of the OBC and the MRSSO are met.

**Black Lake Cottage Association** - no comments received.

**(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:

M & M Slack – November 3, 2016

Please notify us of the decision of the Land Division Committee in respect to the proposed consent and any other available info.

M & M Slack – November 3, 2016

Since 1979, we have been summer residents of 210 Rte. 11 Black Lake.

Our concern – what impact would this severance have on the swamp, wetlands and wildlife habitat – which is adjacent to the R.O.W?

Our recommendation – is that the swamp, wetland and wildlife habitat (numerous species of wildlife live here) be retained in its natural state as it is now and not be altered in any way.

**(d) PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.4066-ha parcel of land as a lot addition to lands owned by Janet Marguerite Smith at 208 Black Lake Route 11 together with an easement / r-o-w over the existing private road in favour of others and to retain a 23.89-ha landholding with an existing dwelling located at 245 Islandview Road.

Originally Ms. Smith had applied for a Zoning Amendment and Site Plan on the property at 208 Black Lake Route 11. Through this rezoning process, both the RVCA and MRSSO suggested that enlarging the lot through a lot addition would improve the size of the lot and provide more lands on which to develop and install an OBC compliant septic system.

The original size of the Smith lot was: 283.28 sq.ft. (0.028-ha) – The Seasonal Residential and Limited Service Residential Zone call for a minimum of 0.405-ha. The lot enlargement will increase the size of the lot to 0.435-ha.

Road Access

The lands are accessed via Black Lake Route 11 a private road, which adjoin Narrows Lock Road, a County maintained road.

Archaeological

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



Soils Inventory - TweedBedrock Inventory – conglomerate, wackeEndangered Species

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 did 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. 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, 1991.
3. Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by Tay Valley Township.

Zoning

The subject property is currently within the seasonal residential section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot as enlarged will meet the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law. A re-zoning is required to address the wetlands and setback requirements.

Conclusion

No new or additional infrastructure is required as a result of the proposal. The severed lands will meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting, once the lands are enlarged. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the

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

(e) **MINUTES – December 12, 2016**

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

Ms. Zander provided background on the proposal, outlining the steps that the purchaser has undertaken in order to satisfy the requirements of the Township regarding zoning, setbacks, lot coverage, etc.

Public comments were received on the issue(s) of access over the right-of-way. The comments were addressed through conditions to approve.

Comments were received from agencies on the issues of zoning, site plan control, septic's, CA regulations, etc. The comments were addressed through conditions to approve.

Committee reviewed the staff report and draft conditions. The conditions were revised to include a condition to consolidate the lands on title.

Committee considered all written and oral submissions received on this application, the effect of which helped Committee to make an informed decision.

(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.

**B16/113**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee 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 Janet Marguerite Smith at Pt. Lot 17 Conc. 6 (208 Black Lake Route 11) and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. An appropriate right-of-way shall be reserved over the lot to be severed in favour of all those who are currently entitled.
9. The lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township in this regard.
10. That the applicant enter into a Site Plan Agreement with Tay Valley Township to address site remediation recommendations and development constraints (if any). The applicant shall consult directly with the Township in this regard.
11. A letter shall be received from Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The 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. *The Rideau Valley Conservation Authority advises that as of January 1, 2007 the shoreline of Black Lake is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation made pursuant to the Conservation Authorities Act. Any shoreline work proposed in the future will require a permit from the RVCA.*
3. *The RVCA recommends that the applicant and new owner review the "Guidelines for Shore Works in the Rideau Valley Watershed" leaflet prior to any works on the properties.*
4. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or*

*indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*The Ministry of Natural Resources and Forestry 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**

<b>Owner:</b> 1427386 Ontario Ltd.	<b>Hearing Date:</b> Dec. 12, 2016
<b>Applicant/Agent:</b> Leonard Fraser	<b>LDC File #:</b> B16/114
<b>Municipality:</b> Town of Carleton Place	<b>Lot:</b> Lots 16, 17 & 26 <b>Plan.</b> 3389
<b>Geographic Township:</b> N/A	<b>Consent Type:</b> new lot
<b>Roll Number:</b> 0928 030 050 03200	

**Purpose and Effect:**

To sever a semi-detached dwelling unit along the centre foundation wall to permit separate ownership.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Residential	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	635.85 sq.m.	659.2 sq.m.
<b>Frontage</b>	11.28 m	11.69 m
<b>Depth</b>	56.37 m	56.39 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Public Water	Public Water
<b>Sewage Disposal</b>	Sewage System	Sewage System
<b>Development Permit By-law Category</b>	Residential District	Residential District
<b>-Area (minimum)</b>	60% coverage	60% coverage
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	7.5 m	7.5 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Residential

**Conformity:** 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.

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 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, 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 Community Framework, Section 3.5 Residential District, section 4.3 Built Infrastructure, Section 6.7.2 Consents.

The Town of Carleton Place advises that the proposal conforms to the designations and policies of the Official Plan.

**Development Permit By-law** – Section 2.0 Administration, Section 3.0 General Provisions, Section 6.0 Residential District.

The Town of Carleton Place advises that the proposal complies with the Development Permit 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 Planning Report -**

A consent application has been received from the applicant in relation to the property known municipally as 292-294 Lake Avenue East. The subject lands are legally described as Plan 3389 Lot 16, Pt Lot 17, Pt Lot 26 Section Q.

This consent application is to sever a semi-detached dwelling into a 635.85 m<sup>2</sup> residential lot, leaving a 659.2 m<sup>2</sup> portion of retained residential property. The purpose of this severance is to create two units in separate ownership.

The semi-detached unit was approved under Development Permit application DP1-08-2016 and under building permits 16N030 and 16N031.

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest pertaining to land use matters and all development proposals must be consistent with the policies therein. The statement believes that long term prosperity for the Province depends upon a "strong, sustainable and resilient community) a clean and healthy environment, and a strong and competitive economy". The policy statement directs development to settlement areas and protects the resources throughout the province.

Section 1.0 of the statement, Building Strong Healthy Communities, stresses efficient development patterns by supporting infill development, utilizing existing infrastructure and promoting opportunities to create a varied built form.

Section 2.0 of the statement protects resources and Section 3.0 outlines policies to direct development away from areas of potential hazards.

The proposed severance complies and is consistent with policy directions within the Provincial Policy Statement.

The Official Plan designation for this property is Residential (R). This designation allows for a mix of housing types which complements the existing small town character.

The Development Permit By-law also designates the property as Residential (R). This severance will allow for the creation of two lots under separate ownership. Both the retained and the severed lots will meet the minimum frontage required under the Development Permit By-law.

#### COMMENT

The proposal, if approved, will allow for the existing semi-detached dwelling to be divided into separate ownership. The lots are appropriately designated in both the Official Plan and in the Development Permit By-law. As with any severance application, staff compiles a list of conditions that the application must meet before final approval and creation of a new deed. It should be noted that once the County of Lanark Land Division Committee makes a decision, the applicant must clear all conditions within one year from the date of that decision.

**Town of Carleton Place** - recommends approval of this application subject to the following conditions:

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
2. That the applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
3. That a copy of the deposited reference plan be submitted to the Town of Carleton Place.
4. That a cash-in-lieu of parkland payment of \$640.00 be collected from the applicant.
5. That the applicant shall provide the Town of Carleton Place with a building location survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both severed and retained parcels that there is:

- Adequate frontage
- Adequate access along the maintained road
- Compliance with the Ontario Building Code

**Hydro One Networks** – No comments were received.

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

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a semi-detached dwelling unit along the centre foundation wall to split the property into two separate ownership properties.

The subject lands are located in an area characterized by typical urban residential. The effect of the lot creation is 'infill', a process recommended by the PPS.

**Road Access**

The lands are accessed via Lake Ave East, a municipally maintained road. Entrances and Civic Addresses have already been assigned to the properties.

**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. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision. Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which do not result in the creation of a new lot.
3. Woodlands  
The Town of Carleton Place utilizes a "Tree Conservation Plan". area has considerable land masses mapped as 'woodlands', care should be

**Development Permit**

The subject property is currently within the residential section of the development Permit By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meet the minimum frontage and any dwelling constructed on the lands will be required to meet the 60% lot coverage requirement of the Development Permit By-law. The develop has been



undertaken under Permit No. DP1-08-2016.

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 Carleton Place and could be given favourable consideration.

**(e) MINUTES – December 12, 2016**

Leonard Fraser, agent attended the hearing and gave evidence under oath.

Comments were received from agencies on the issues of Development Permit compliance. The comments were addressed through conditions to approve.

Committee reviewed the staff report and draft conditions.

Committee considered all written submissions received on this application, the effect of which helped Committee to make an informed decision.

**(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.

**B16/114**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. The applicant shall provide the Town of Carleton Place with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan in a NAD83 datum format to the Town of Carleton Place.

6. Payment shall be made to the Town of Carleton Place representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
7. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:
  - Adequate frontage along the maintained road
  - Adequate access along the maintained road.
  - Compliance with the Ontario Building Code.

If the plan does not comply with the Development Permit By-law, an application to amend the by-law will be required.

8. A letter shall be received from the Town of Carleton Place stating that condition #3 through #7 has been fulfilled to their satisfaction.