
The Land Division Committee met in regular session on Monday, February 22, 2016 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

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-2016-4

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

"THAT, the minutes of the Land Division Committee meeting held on January 11, 2016 be approved as circulated."

ADOPTED

4. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2016-5

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 B15/085 – Brooklyn and Sandra Code – lot addition
Revised application – Pt. Lot 10 Conc. 3 geographic
Township of Lanark, now in the Township of Lanark
Highlands. Herron Mills Road.
- 6.2 B15/104 and B15/105 – Joseph J. Bancroft – 2 new
lots
Pt. Lot 24 Conc. 4 Township of Montague.
Matheson Drive.
- 6.3 B15/130 – Helen Burchill – new lot
Pt. Lot 18 Conc. 2 Township of Montague.
Guthrie Road.
- 6.4 B15/134, B15/135, B15/136, B15/137 and B15/138 –
Donna Warwick – 5 lot additions
Pt. Lot 2 Conc. 1 geographic Township of South
Sherbrooke, now in Tay Valley Township.
Crozier Road.

- 6.5 B15/143 – Travis and Valerie Lalonde – lot addition
Pt. Lot 15 Conc. 10 geographic Township of Lanark,
now in the Township of Lanark Highlands.
Wolfe Grove Road.

- 6.6 B15/147 – Rudolf Welz – lot addition
Pt. Lot 27 Conc. 9 Township of Montague.
Brown Road.

- 6.7 B13/116, B13/117 and B13/118 – Anthony Brownrigg
– 3 new lots
Pt. Lot 9 Conc. 1 Township of Montague.
Richardson Road.

- 6.8 B15/129 - James and Margaret Ramsay – lot addition
& ROW
Pt. Lot 13 Conc. 9 geographic Township of Dalhousie,
now in the Township of Lanark Highlands.
Maple Hollow Drive.

- 6.9 B15/142 – Robert Dick – easement.
Pt. Lot 17 and 18 Conc. 6 geographic Township of
North Burgess, now in Tay Valley Township.
Black Lake Route 11.

7. DEFERRED APPLICATIONS

None

8. CONFIDENTIAL REPORTS

None

9. COMMUNICATIONS/OTHER BUSINESS

- 9.1 Hydrogeological Investigations – deferred

- 9.2 Year-end Report – The Committee reviewed the year-
end Land Division Committee Report. The Chairman
advised that he would be available to take this report
to EDC in April.

MOTION #LD-2016-6

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

"THAT, the 2015 Year-end Land Division Report be accepted as presented."

ADOPTED

10. PROVISIONAL CONSENT GRANTED

- | | | |
|------|--|---------|
| 10.1 | B13/116, B13/117 and B13/118 – Anthony Brownrigg – 3 new lots | 6 - 19 |
| 10.2 | B15/085 – Brooklyn and Sandra Code – lot addition - Revised application | 20 - 24 |
| 10.3 | B15/104 and B15/105 – Joseph J. Bancroft – 2 new lots | 25 - 36 |
| 10.4 | B15/129 - James and Margaret Ramsay – lot addition & ROW | 37 - 47 |
| 10.5 | B15/130 – Helen Burchill – new lot | 48 - 60 |
| 10.6 | B15/134, B15/135, B15/136, B15/137 and B15/138 – Donna Warwick – 5 lot additions | 61 - 76 |
| 10.7 | B15/142 – Robert Dick – easement. | 77 - 80 |
| 10.8 | B15/143 – Travis and Valerie Lalonde – lot addition | 81 - 89 |
| 10.9 | B15/147 – Rudolf Welz – lot addition | 90 - 96 |

11. PROVISIONAL CONSENT DEFERRED

None

12. PROVISIONAL CONSENT DENIED

None

13. UPCOMING MEETINGS AND NOTICES

March 14, 2016 at 9:00 a.m. – R. Strachan unable to attend.
March 23, 2016 at 10:30 a.m. OMB Hearing – Caldwell – Mississippi Mills Administration Building.
April 11, 2016 at 9:00 a.m. – D. Murphy unable to attend.
May 9, 2016 at 9:00 a.m.
May 29 to June 1, 2016 – City of London – OACA Conference
June 13, 2016 at 9:00 a.m.
August 8, 2016 at 9:00 a.m.

MOTION #LD-2016-7

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

"**THAT**, the September meeting be changed to September 6, 2016."

ADOPTED

14. ADJOURNMENT

MOTION #LD-2016-8

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

"**THAT**, the meeting do now adjourn at 12:06 p.m."

ADOPTED



Mary Kirkham
Secretary-Treasurer



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Tony Brownrigg

Hearing Date: February 22, 2016

Agent: N/A

LDC File #: B13/116, B13/117 & B13/118

Municipality: Township of Montague

Geographic Township: Montague

Lot: 9

Conc.: 1

Roll No.: 090100001024200

Consent Type: New Lots

Purpose and Effect: To sever three (3) residential building lots: B13/116 – 3.9-ha, B13/117 - 0.7-ha and B13/118 - 0.79-ha, and to retain an 18.5-ha landholding with an existing dwelling located at 1019 Richardson Road.

DETAILS OF PROPOSAL	Lands to be Severed B13/116	Lands Retained B13/117
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	3.9 ha	0.7 ha
Frontage	137.48 m	206.65 m
Depth	255.73 m	58.2 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well
Sewage Disposal	Proposed Septic	Proposed Septic
Zoning By-law Category	Re-zoning required	Re-zoning required
-Area (minimum)		
-Compliance?		
-Frontage (minimum)		
-Compliance?		

DETAILS OF PROPOSAL	Lands to be Severed B13/118	Lands Retained
Existing Use Proposed Use	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	0.79 ha 109.39 m 60 m Municipal Road	18.5 ha 333 m 700 m Municipal Road
Water Supply Sewage Disposal	Proposed well Proposed Septic	Private well Private Septic
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Re-zoning required	Re-zoning required

Official Plan Designation: Rural Exception (OPA#1)

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.

2.5 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 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 as amended through Official Plan Amendment #2.

Local Official Plan – Section 2 General Development Policies, Section 3.2 Mineral Resource, Section 3.5 Natural Hazard, Section 3.6 Rural, Section 4.4 Township Roads, section 5.2 Land Division.

The Township of Montague advises that the proposal complies with the Official Plan as amended through OPA#1.

Zoning By-law – Section 3 General Provisions, Section 11 Rural Zone.

The Township of Montague advises that a re-zoning is required to implement the lot creation policy amendment to the Official Plan.

(b) AGENCY REVIEW

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

Township Planner's Report -

Thank you for circulating the Township of Montague on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owner seeks permission to sever three residential lots from the eastern end of the large property: 0.7 ha and 0.8 ha parcels on Richardson Road (bordering on the Rideau Creek) and a larger 3.9 ha lot on Burchill Road. The severed lots are all vacant (the larger lot mostly forested) and the retained lot includes a house and some outbuildings. The retained lands also included a former pit (license surrendered in October 2012).

While this application was originally submitted to the County in September 2013, in the staff review of the application it was noted that three severances have previously been granted from what was the original lot of record as configured in 2001 and as such the Official Plan would not permit additional severances. The adjacent lot of record, which was merged in 2012 with the portion of lands to be severed, has no known severance history. Mr Brownrigg wished to proceed with the applications and accordingly applied for an Official Plan amendment that would have the effect of "transferring" severance rights from the western to the eastern portion of his merged lot. The Amendment would also formally remove the aggregate designation from that portion of the property. Prior to the local Plan amendments, the County amended its Official Plan to remove the same aggregate designation. The County's Plan amendment was approved by the Ministry of Municipal Affairs and Housing in the fall of 2015 and Montague Council adopted the local amendment subsequently. The County, being the approval authority for local official plan amendments, approved the Township's OPA in January 2016 and at the time of this report that decision is in its appeal period. If there are no appeals (or any appeals resolved), Township Council will be in position to adopt an implementing Zoning By-law amendment freezing additional development or lot creation on the westerly portion of the Brownrigg property.

Review

Through the process of the Official Plan and Zoning Amendment applications, Township staff and Council evaluated the appropriateness of changing the Township's planning policies to enable additional residential development at this location. While these amendments are separate applications from the consents now being considered by the Land Division Committee, the planning issues and evaluation criteria are largely the same.

The severed and retained lands are located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential

development in accordance with the compatibility policies of this Plan. This application proposes additional residential development near the intersection of Burchill and Richardson Roads, which is located about 2 kilometres north of the Village of Merrickville. The Rideau Creek corridor is buffered by a ribbon of cleared pasture and farmland, with scattered residential development along the road, with intact woodlands and wetlands to the north and south. The addition of three residential building lots on portions of the property that are not well suited to any other land use is consistent with the intent and compatible with the existing landscape character.

There are several natural development constraints that affect these proposed lots and will guide future development on them. These include potentially significant woodlands (Sec. 2.21 .6 of the OP) on one of the lots (B13/116); significant valleylands (Sec. 2.21.7) on the other two lots and related to both of those, potential habitat of several species at risk. In accordance with the Natural Heritage Features section of the Plan, the applicant submitted an Environmental Impact Study (and addendum) which evaluated the impacts of the proposed development on the features. With respect to the woodland lot, the study determined that the woodlands were not intact and no significant natural features would be degraded by residential development. With respect to the two smaller lots on Richardson Road adjacent the creek the study advised that the significant valley feature would not be degraded provided that some mitigative conditions are implemented. This could be accomplished through a development agreement as a condition of consent approval. There are no known natural hazards that would impact the proposed development.

As the severances front on public roads of a reasonable standard of construction, they satisfy the access policies of the Official Plan (Sec. 2.16). The proposed development is reasonably close to the urban amenities of Merrickville and it is felt that three additional residential lots will not have a consequential impact on municipal services or infrastructure.

From a zoning perspective, the severed lands are entirely zoned Rural and this application is consistent with all provisions of the Zone. The zoning amendment affecting the retained lands is intended to implement the lot creation policy amendment.

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

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

6) Sufficient land for Road Widening purposes shall be conveyed to the Township of Montague by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

7) The Township Official Plan Amendment No. 1 as adopted by Council and approved by the County shall come into full force and effect.

8) The retained lands shall be rezoned to a zoning category that prohibits additional development or lot creation.

9) [B13/117 and B13/118 only] The Applicant shall enter into a Development Agreement with the Township to implement the recommendations contained in the Environmental Impact Study (and Addendum) prepared by Pinegrove Biotechnical dated September 26, 2012 and February 20th 2015 and acknowledge the comments of the Ministry of Natural Resources dated July 17, 2015.

Conservation Authority – Rideau Valley Conservation Authority – the following report was provided for the Official Plan Amendment and Zoning By-law amendment as it relates to the severances.

The Rideau Valley Conservation Authority has completed a review of the above noted application to amend the Township of Montague's Official Plan and the Zoning By-law.

OPA#1

The Official Plan Amendment is to amend the designation of a portion of the subject property from Pit or Quarry to Rural.

The second component of the Official Plan Amendment application is to amend Section 3.6.4(3) of the Township's Official Plan to permit additional site specific lot creation on the easterly portion of the lands owned by the applicant.

ZA-1 4-01

The Zoning By-Law Amendment is to amend the zoning of the portion of the property zoned Extractive Industrial (MX) Zone to Rural (A) Special Exception XX.

The second Portion of the Zoning By-law Amendment is to amend Section 18 of the Township's Zoning By-law to establish a special exception zoning on the westerly portion of the lands owned by the applicants to prohibit additional residential development or lot creation.

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water Quality and Quantity and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. The following comments are offered for your consideration.

Natural Hazards

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

Natural Heritage

The property has been designated as Significant Woodlands on the southern portion of the property while Significant Valleylands associated with Rideau Creek have been identified on the northern half of the parcel.

As part of this application, a letter from MNR was submitted. The letter acknowledges the surrender of Aggregate Resources Act Licence No. 4260. The intent of the first portion of this Official Plan amendment is to return the land use designation back to Rural. No new development is proposed on the lands subject to the re-designation. Therefore there is no anticipated impact on the Significant Woodlands or Significant Valleylands as a result of the redesignation of the lands to Rural. Similarly the first part of the Zoning By-law Amendment is to re-designate the zoning to Rural (A) Special Exception Xx. There is no anticipated impact on the Significant Woodlands or Valleylands as a result of the rezoning of the Lands to Rural (A) Special Exception XX.

The second portion of the Official Plan Amendment is to essentially transfer the severance rights permitted on the west half of the lot to the east half of the lot which has already exhausted the amount of severances permitted. The west half of the lot would then be rezoned to prohibit any future severances or residential development from occurring. An amended EIS "Amendment to the Environmental Impact Statement for Mr. Tony Brownrigg dated 26. Sept. 2012 - Part Lot 9, Concession J, Montague Twp., Lanark County" dated February 20, 2015, prepared by Pinegrove Biotechnical has been submitted in support of the application. The report makes reference to habitat for Bobolink and/or Meadowlarks which are Species at risk on the proposed severed parcels. The report concluded that providing that mitigating conditions and Species at Risk (SAR) habitat replacements are implemented, as outlined in the 2012 EIS, that the severance of the two residential parcels is not expected to cause negative impacts upon Natural Heritage Values of the area.

It is our understanding that any development activities that would be permitted through the creation of a new lot (e.g. single detached dwelling or site alteration) may require an authorization from the Ministry of Natural Resources and Forestry if it would contravene Sections 9 or 10 of the Endangered Species Act, 2007 (ESA). Given that the supporting EIS concluded that habitat compensation for Species at Risk is required, any relevant conditions of consent as it relates to Species at Risk and the implementation of the EIS recommendations for Species at Risk should be sought from the Ontario Ministry of Natural Resources and Forestry directly.

Conservation Authority Regulations

For the applicant's information, Rideau Creek is subject to Ontario Regulation 174/06 "Development, /Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the *Conservation Authorities Act*. This regulation affects the retained lands in the following manner:

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

Conclusion

In conclusion the Conservation Authority has no objection to the Official Plan Amendment and Zoning By-law Amendment. Portions of the property are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration.

Please forward notice of the decision on this application to the office of the Rideau

Valley Conservation Authority at the address noted below. Please contact me at ext. 1191 if you have any questions.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed B-13/116 - Approximately 3.9 ha parcel of land. Combination of brush, trees, bedrock and agricultural land. Additional sandy loam fill may be required in the area of the septic system (tile bed),

Severed – B13/117 – Approximately 0.7 ha parcel of land consisting of open grass field that backs onto a creek. Rolling slope and it appears drainage is towards the creek. Depending on exact location of septic system (tile bed) fill may be required.

Severed – B13/118 – Approximately 0.79 ha parcel of land consisting of open grass field. Rolling slope and it appears drainage is towards the creek. Approximately 3 feet of soil. Additional fill may be required in area of septic system (tile bed) depending on location.

Retained – Approximately 18.5 ha parcel of land with existing dwelling, outbuildings, well (location unknown), and septic system. Combination of landscaped land, agricultural land and brush. Approximately 3 feet of soil. A creek and pond are located behind the dwelling. Drainage and slope vary, although in area of dwelling drainage is towards the creek.

Severance will not affect future replacement of septic system. Due to landscaping constraints, the creek and pond, the best location to replace the tile bed in the future would be east end of the property. Additional fill may be required in the area of replacement of septic system (tile bed), depending on location.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever three (3) residential building lot (3.9-ha, 0.7-ha and 0.79-ha) and retain an 18.5-ha landholding with an existing dwelling.

The subject lands are located in an area characterized by typical rural residential. The effect of the lot creation is recognized as 'infill', a process recommended by the PPS. Through an extensive review and application process, the applicant has undergone an application to revoke the Aggregate Pit Licence through Ministry of Natural Resources and Forestry, an Official Plan Amendment of the County Sustainable Communities Official Plan to remove the aggregate extraction designation and an Official Plan Amendment of the Montague Official Plan to remove the aggregate extraction (pit) designation and to establish a special policy area allowing additional severances on the easterly portion of the lands. The two

OPA's have not been completed and the severances can now proceed, with a condition that the lands be re-zoned to prohibit additional residential development or lot creation.

The retained lands and B13/116 and B13/117 area accessed via Richardson Road and B13/118 is accessed via Burchill Road, both municipally maintained roads.

Soils Inventory – Name: Franktown

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

Bedrock Inventory – dolostone, sandstone

Natural Heritage Features

Due to the proximity of Natural Heritage Features; the applicant was required to undertake an Environmental Impact Study (EIS) on the lands. This report was prepared by Pinegrove Biotechnical in 2012 and an addendum provided in Feb 2015 and May 2015. The EIS was reviewed by both the MNRF and RVCA. The MNRF identified Bobolink and Whip-poo-will as SAR and advised that any development should avoid or not damage their habitat. A note should be included to advise future purchasers that the MNRF should be contacted prior to any work on the site commences.

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:

- Bobolink (THR)
- Whip-poo-will (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. Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public

road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.

OPA#1 to the Montague Official Plan removed the aggregate designation from the property and permit the lot development from the West ½ of lot 9 be transferred to the E ½ of Lot 9.

3 Woodlands

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law. Re-zoning will be required to implement the lot creation policies as outlined in OPA#1.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

(e) MINUTES – February 22, 2016

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

Ms. Zander provided background information on the applications, which commenced with a County OPA, followed by a Township OPA, and as a condition of severance will require a Township Re-zoning.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B13/116

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 for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. Payment shall be made to the Township of Montague 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. The lot to be retained shall be zoned to an appropriate zoning category to prohibit additional development or lot creation. The applicant shall consult directly with the Township of Montague in this regard.
8. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

11. A letter shall be received from the Township of Montague stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Ministry of Natural Resources and Forestry advises that the applicant contact the MNRF prior to any work on the site that may damage or destroy habitat to ensure compliance with the Endangered Species Act.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill may be required in the area of septic system (tile bed) and in the area of a replacement of septic system (tile bed) on the retained lands, depending on location.*
3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The 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 MNRF 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 MNRF to discuss the potential for application of certain permits or agreement.

B13/117 and B13/118

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 for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the

Planning Act.

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. Payment shall be made to the Township of Montague 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. The lot to be retained shall be zoned to an appropriate zoning category to prohibit additional development or lot creation. The applicant shall consult directly with the Township of Montague in this regard.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. The wording of the agreement shall be acceptable to the Municipality and shall address the recommendations in the Environmental Impact Study (and addendum) prepared by Pinegrove Biotechnical dated September 26, 2012 and February 20, 2015 and acknowledge the comments of the Ministry of Natural Resources and Forestry dated July 15, 2015.
9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
10. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
11. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
12. A letter shall be received from the Township of Montague stating that condition #3 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Ministry of Natural Resources and Forestry advises that the applicant contact the MNRF prior to any work on the site that may damage or destroy habitat to ensure compliance with the Endangered Species Act.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional fill may be*

required in the area of septic system (tile bed) and in the area of a replacement of septic system (tile bed) on the retained lands, depending on location.

3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The 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 - ADDENDUM

APPLICATION FOR CONSENT

Owner: Brooklyn Code & Sandra Code

Hearing Date: October 20, 2015

Re-circulation Hearing Date: Feb. 22/16

Agent: Nicholas Didbin

LDC File #: B15/085

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 10

Conc.: 3

Roll No.: 0940 934 010 17101

Consent Type: Lot Addition

Purpose and Effect:

The original application given 'provisional consent' by the Land Division Committee was to sever a 6,000 sq.m. parcel of land as a lot addition to lands owned by Nicholas Didbin and Karla Friedman-Didbin, Part Lot 9 and 10 Plan 27R-10223, Lanark.

Following the survey of the lands, it was discovered that the dimensions and lot size exceeded the maximum 10% to 15% variable allowed. The table below shows the changes to the application:

DETAILS OF PROPOSAL	Lands to be Severed Original	Lands to be Severed Revised	Lands Retained
Existing Use	Vacant	Vacant	Residential
Proposed Use	Lot addition	Lot addition	Residential
Area	6,000 sq.m.	3,900 sq.m.	6.66 ha
Frontage	N/A	n/a	70 m
Water Frontage	98 m	57.2 m	490 m
Depth	61 m	N-44 / S-91.5m	Irregular
Road - Access to	N/A	N/A	County Road
Water Supply	None at this time	None at this time	Private well
Sewage Disposal	None at this time	None at this time	Private septic
Zoning By-law Category	Rural	Rural	Rural
-Area (minimum)	n/a – lot addition	n/a – lot addition	1.0-ha
-Compliance?			Yes
-Frontage (minimum)			60 m
-Compliance?			Yes

Official Plan Designation: Waterfront Communities and Organic Soils

Conformity: Yes

(a) ADDITIONAL INFORMATION

Following receipt of the survey plan, it was determined that a re-circulation was required as the lot dimensions and size exceeded the maximum allowable variance.

The Township advised that they have no objection to the revised consent application B15/085 – Code.

(b) PLANNING REVIEW**Background and Summary**

The subject lands are located in an area characterized by typical rural residential. The effect of the lot creation was to increase to existing undersized lot to meet the minimum lot size as identified by the Official Plan of 0.8-ha.

With the changes to the lot area the lot addition will bring the undersized lot up from 0.3-ha to 0.69-ha, which does not meet the minimum required size as outlined in the Township's Official Plan. Discussions were held with the applicant, to determine if additional lands could be obtained to maintain the 0.8 minimum size. However, due to constraints being, the river, the septic bed location on the code property and the driveway location to the code residence, additional lands were not obtainable.

The Township's Official Plan does, however have the following clause:

Section 8.3.4. Existing Undersized Lots

Subsection 8.3.4.2 – A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the zoning by-law. In such cases the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the Zoning By-law.

Conclusion

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 revised proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(c) MINUTES – February 22, 2016

Brooklyn Code, owner attended the hearing and gave evidence under oath.

Mr. Code explained that he had only estimated the size based on his property survey, which had included lands to the centre of the Clyde River. The surveyor for this parcel of land took the measurements to the edge of the river.

Committee reviewed the staff report and draft conditions, which remained unchanged from the previous approval (Oct 20, 2015) except that reference is made to the revised sketch.

(d) 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.

(e) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" prepared by G.A. Smith and dated December 4, 2015.
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 Nicholas Didbin and Karla Freidman-Didbin described as Part Lots 9 and 10, Conc. 3 Lanark, Part 1 Plan 27R-10223, 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
6. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
7. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.

9. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #8 has been fulfilled to their satisfaction.

NOTES

1. *MVCA does not have any objection to the subject application provided the following mitigative measures are implemented on the resulting lot to be enlarged:*
 - a) *Future development, including a septic system shall be setback a minimum of 30 m from the High Water Mark of the Clyde River.*
 - b) *With the exception of a maximum 9 m wide clearing for water access, the shoreline vegetation along the river shall be retained to a minimum depth of 15 m.*
 - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river or onto adjacent properties.*
2. *In addition the MVCA advises that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior the initiation of any alterations to the shoreline of the river.*
3. *Also we also advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the river, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
4. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future replacement leaching bed on the retained lands.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

The Ministry of Natural Resources 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

Owner: Joseph James Bancroft

Hearing Date: Feb 22 2016

Agent: Jim Bancroft

LDC File #: B15/104 and B15/105

Municipality: Montague

Geographic Township: Montague

Lot: 24

Conc.: 4

Roll No.: 0901 000 030 39803

Consent Type: 2 new lots

Purpose and Effect:

To sever two (2) residential building lots (0.8-ha each) and to retain an 8.09-ha vacant landholding. The lands are accessed via Matheson Drive.

DETAILS OF PROPOSAL	Lands to be Severed B15/104	Lands to be Severed B15/105	Lands Retained
Existing Use	Residential	Vacant	Sugar Shack
Proposed Use	Residential	Residential	Residential
Area	0.8-ha	0.8-ha	8.09-ha
Frontage	77.4 m	53.6 m	48.2 m
Depth	106.7 m	152.4 m	549 m
Road - Access to	Municipal	Municipal	Municipal
Water Supply	Private Well	Proposed	Proposed
Sewage Disposal	Septic System	Proposed	Proposed
Zoning By-law Category	Rural	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha	0.4-ha
-Compliance?	Yes	Yes	Yes
-Frontage (minimum)	46 m	46 m	46 m
-Compliance?	Yes	Yes	Yes

Official Plan Designation: Rural, Organic Soils, Endangered Species, Woodlands

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.

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 5.5.9 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 2.19.2 Organic Soils, Section 2.21 Natural Heritage Features, Section 2.22 Ground Water

Supply, Sewage Disposal, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

Zoning By-law – Section 3 General Provisions, Section 11 Rural Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report -

Thank you for circulating the Township of Montague on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owner seeks permission to sever two new lots (each 0.8 ha (2 acres) in size) while retaining an 8.1 ha (20 acre) parcel with minimal road frontage that opens up at the rear. The severed and retained lots all front on Matheson Drive. The westernmost severed lot has a house, the easternmost lot is vacant and the retained lands have a sugar shack but are otherwise undeveloped. The Township has no record of recent severance activity on this lot of record and as such these applications could be considered under the Township's lot creation policies.

Review

The severed and retained lands are located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development in accordance with the compatibility policies of this Plan. This section of Matheson Drive passes through a small section of linear residential development on large lots and is surrounded by a mixed rural landscape of pasture and woodlands. The creation of two new lots, which would have the effect of allowing two new residential building areas, is essentially infill development in this area and as such is considered to be compatible with the existing landscape character.

There are no identified natural hazards on this site that would constrain the applications, however the entire severed and retained lot is identified as containing "significant wildlife habitat." This means that in the vicinity of the property, ecologically valuable habitat or occurrences of threatened or endangered species were identified by the Ministry of Natural Resources. While the exact nature of the feature was not identified in the mapping, in accordance with the Official Plan an Environmental Impact Study evaluated the application and potential development in terms of potential impacts on these features. The study advised that the severance of two lots would not negatively impact any of the natural heritage features identified for protection and there was no evidence of species at risk. There are no other known natural or man-made constraints that would impact these proposals.

As the severances front on a public road, they satisfy the access policies of the Official Plan (Sec. 2.16). Matheson Drive is a paved road that provides reasonably quick access to urban amenities and major transportation corridors. It is felt that two additional residential lots will not have a consequential impact on municipal services or infrastructure.

In addition to the servicing and compatibility policies referenced above, the application was also evaluated pursuant to the Land Division Policies (Sec. 5.2) and this application is considered to comply. From a zoning perspective, the entire Bancroft property is zoned Rural and this application is consistent with all provisions of the Zone with respect to the severed lots and the retained.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The Applicant shall confirm that residential entrances to the severed and retained lands are viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 4) The Applicant shall obtain Civic Address Numbers from the Township of Montague for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
- 5) The Applicant shall meet the Township 's requirements regarding the dedication of parkland or cash-in-lieu thereof
- 6) Sufficient land for Road Widening purposes shall be conveyed to the Township of Montague by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

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 revised proposal is to sever two 2 acre lots from the existing lot which would ultimately result in a total of 3 lots. '

PROPERTY CHARACTERISTICS

Severed Parcel B15/104 (Severance # 1)

The front half of the severed lot consists of lawn and a residence. The back half of the lot consists of some treed areas. Portions of the property have been identified as Significant Woodlands in the Township's Official Plan.

Severed Parcel B15/105 (Severance #2)

The severed parcel consists of treed areas with some clearings. The lot is currently vacant.

Retained Parcel

Majority of the retained parcel is treed with (he odd clearing. A hydro corridor runs diagonally across the rear of the property. There is currently a barn on the retained parcel.

REVIEW

Natural Hazards

There have been no natural hazards identified on the property which would preclude these severance applications.

Natural Heritage

Significant Woodlands

Severed Parcel B15/105 (Severed Parcel #1)

The severed parcel is already developed with a residence. There is no new development proposed on the severed parcel.

Severed Parcel B15/105 (Severed Parcel #2)

There have been no Significant Woodlands identified on this parcel.

Retained Parcel

There have been no Significant Woodlands identified on the retained parcel.

Significant Wildlife Habitat

Severed Parcels B15/104 and B15/105

The entire severed parcels have been identified as being Significant Wildlife Habitat in the Township's Official Plan. In accordance with the Township's Official Plan requirements, the applicant has provided an ETS "Environmental Impact Statement for Mr. James Bancroft - Severance, #1462 Matheson Drive, Part Lot 24, Concession IV, Montague Township, Lanark County" dated March 10th, 2015 as well as an addendum dated May 25th, 2015, prepared by Pinegrove Biotechnical. The report has evaluated the potential impacts of the proposed lots and concluded that no Natural Heritage Values would be harmfully altered by a severance of 2 parcels from the retained lands.

Wellhead Protection Area

Severed Parcel and Retained Parcel

It is important that the applicant is aware that the severed and retained parcels are entirely within the Wellhead Protection Area (Vulnerability Score of 4) and subject to the Mississippi-Rideau Source Protection Plan under the Clean Water Act. Certain activities such as new chemical handling and storage facilities containing DNAPL substances (Dioxane - 1,4; Polycyclic aromatic hydrocarbons (PAHs); Tetrachloroethylene (PCE) (also called PERC); Trichloroethylene(TCE); Vinyl chloride) are prohibited within this area. For more information, please visit the Mississippi-Rideau Source Protection Plan at www.mrsourcewater.ca.

CONCLUSION

In conclusion, the Conservation Authority has no objection to these applications.

Please keep us informed on the status of this application.

Septic Office – Leeds Grenville and Lanark District Health Unit

B15/104 – A 2+/- acre lot with an existing house, drilled well, fully raised septic system and pool. Lot is relatively flat with variable depths of topsoil over bedrock. Recommendation. – Sandy loam fill will be required to construct replacement septic system in the future.

B15/105 – A vacant 2 +/- acre lot consisting of bush land, gentle slope and variable depths of topsoil over bedrock. Recommendation – sandy loam fill will be required to construct a raised septic system (tile bed).

Retained lands – a 20 +/- acre lot with existing outbuilding. Property is relatively flat with variable depths of topsoil over bedrock. Recommendation – sandy loam fill will be required to construct the septic system (tile bed).

Hydro One Networks – No comments were received.

Bell Canada R-O-W

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

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever two (2) residential lots – B15/104 is a 0.8-ha lot with an existing residential dwelling located at 1462 Matheson Drive, B15/105 is a 0.8-ha vacant residential lot and the retained lands consist of an 8.09-ha landholding with an existing sugar shack.

A utility tower line (hydro) traverses the northern section of the retained lands. Existing easements will be required to be maintained.

The subject lands are located in an area characterized by typical rural residential. This section of Matheson Road is fairly well developed, with approximately 17 lots along a 1.0-km section of road. However, only three of these lots are less than 0.8-ha (2-acres). The effect of the lot creation is 'infill', a process recommended by the PPS.

The lands are accessed via Matheson Drive, a municipally maintained road.

Soils Inventory – Farmington

Bedrock Inventory – Dolostone, sandstone

Agricultural Operations

Due to an agricultural facility (sugar shack) with no livestock being located on the

retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots, however this facility is not classed as a 'livestock facility'.

Environmental Impact Statement

Due to the designation in the Official Plan of possible Endangered Species and Organic Soils, the applicant was required to undertake an EIS. This EIS was reviewed by the RVCA and MNR. The EIS concluded that no Natural Heritage Values would be harmfully altered by a severance of two parcels from the retained parcel.

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)

Source Water Protection

The lands are located within an area designated as WHPA less than 8, therefore a 'note' should be included in the conditions advising that the following activities are not permitted:

New Chemical Handling and Storage - DNAPL* substances (any quantity):

- o Dioxane-1,4
- o Polycyclic aromatic hydrocarbons (PAHs)
- o Tetrachloroethylene (PCE) (also called PERC)
- o Trichloroethylene (TCE)
- o Vinyl chloride

**DNAPL and organic solvent use is associated with automotive, dry cleaning and furniture refinishing businesses as well as certain manufacturing processes. DNAPL is an acronym for Dense Non-Aqueous Phase Liquids.*

Consult the municipality or Risk Management Official if:

- *Activities on this list are 1) already occurring, 2) are proposed to resume after an interruption, 3) are proposed to expand or 4) were the subject of a previous application or approval. These may proceed if they meet the Interruptions / Expansions Policy or the Transition Policy but a Risk Management Plan will be required; or*
- *There is uncertainty regarding whether or not a proposed activity is prohibited.*

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

3 Woodlands

The area has not been mapped as 'woodlands'.

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

(e) MINUTES – February 22, 2016

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

of the Planning Act.

B15/104

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 for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall confirm that a residential entrance to the retained lands is viable. The applicant shall consult directly with the Township of Montague in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Montague for the retained lands. The applicant shall consult directly with the Township in this regard.
8. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. A letter shall be received from the Township of Montague stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the replacement septic system area on the severed lands in the future, and in the area of any future septic system bed on the retained lands.*
2. *The lands to be severed lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*

3. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
4. *The Township of Montague will require a completed MDS prior to the issuance of a Building Permit on the retained lands in accordance with the Ontario Building Code.*

5. *Source Water Protection*

The applicant is advised that the severed and retained parcels are entirely within the Wellhead Protection Area (Vulnerability Score of 4) and subject to the Mississippi-Rideau Source Protection Plan under the Clean Water Act. Certain activities such as new chemical handling and storage facilities containing DNAPL substances (Dioxane - 1,4); Polycyclic aromatic hydrocarbons (PAHs); Tetrachloroethylene (PC E) (also called PERC); Trichloroethylene (TCE); Vinyl chloride) are prohibited within this area. For more information, please visit the Mississippi-Rideau Source Protection Plan at: www.mrsourcewater.ca .

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 MNRF 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 MNRF to discuss the potential for application of certain permits or agreement.

B15/105

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 for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the*

Planning Act.

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. Payment shall be made to the Township of Montague 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. The applicant shall confirm that a residential entrance to the severed and retained lands is viable. The applicant shall consult directly with the Township of Montague in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Montague for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. A letter shall be received from the Township of Montague stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the replacement septic system area on the severed lands in the future, and in the area of any future septic system bed on the retained lands.*
2. *The lands to be severed lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
3. *The Township of Montague will require a completed MDS prior to the issuance of a Building Permit on the retained lands in accordance with the Ontario Building Code.*

4. Source Water Protection

The applicant is advised that the severed and retained parcels are entirely within the Wellhead Protection Area (Vulnerability Score of 4) and subject to the Mississippi-Rideau Source Protection Plan under the Clean Water Act. Certain activities such as new chemical handling and storage facilities containing DNAPL substances (Dioxane - 1,4); Polycyclic aromatic hydrocarbons (PAHs); Tetrachloroethylene (PC E) (also called PERC); Trichloroethylene (TCE); Vinyl chloride) are prohibited within this area. For more information, please visit the Mississippi-Rideau Source Protection Plan at: www.mrsourcewater.ca.

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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

Owner: James F & Margaret A Ramsay

Hearing Date: Feb. 22, 2016

Agent: ZanderPlan Inc.

LDC File #: B15/129

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie

Lot: 13

Conc.: 9

Roll No.: 0940 003 030 15100

Consent Type: Lot addition & R-O-W

Purpose and Effect:

To sever a 0.39-ha parcel of land as a lot addition to lands owned by Zachary and Jessica Ploughman at 223 Maple Hollow Drive, together with an easement over the private road and to retain a 22.9-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Lot Addition	Residential
Area	0.39-ha	22.9-ha
Frontage	16.7 m	551 m
Water Frontage	none	24.4 m
Depth	92.0 m	Irregular
Road - Access to	Private road	Municipal
Water Supply	None	Proposed Well
Sewage Disposal	none	Proposed Septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	n/a – lot addition	1.0-ha
-Compliance?		Yes
-Frontage (minimum)		60 m
-Compliance?		Yes

Official Plan Designation: Rural Communities, Mineral Aggregate Reserve, Floodplain

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.

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

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

Local Official Plan - Section 3.1 Waterfront Communities, Section 3.3 Rural Communities, Section 7.4.3 Local Roads, Section 7.4.4 Private Roads.

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

Zoning By-law – Section 4.0 General Provisions, Section 6.0 Rural Zone, Section 10.0 Limited Service Rural Zone.

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

(b) AGENCY REVIEW

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

Township Planning Report -

Review of Proposal and Application

An application has been received for comment from the County of Lanark Land Division Committee to sever a 0.96 ac. (0.39 ha.) parcel of land as a lot addition to lands owned by Zachary and Jessica Ploughman, legally described as Part Lot 13 Con. 9, Dalhousie, together with an easement over the private road known as Maple Hollow Drive. The retained parcel, is 56.5 ac. (22.9 ha).

OFFICIAL PLAN

The proposed lot addition is in conformity with the relevant policies of the Township's Official Plan. The subject lands are designated as Rural Communities on Schedule 'A' of the Township of Lanark Highlands Official Plan.

Official Plan Policy Pertaining to Existing Undersized Lots:

8.3.4 Existing Undersized Lots

8.3.4.2 A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the zoning by-law. In such cases the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the Zoning By-Law.

The lot benefiting from the lot addition, 223 Maple Hollow Drive, is a 0.43 ac. (0.17 ha.) developed existing lot of record. The proposed lot addition is 0.96 ac. (0.39 ha.) which will result in a lot size of 1.38 ac (0.56 ha). Once enlarged, the lot continue to be an undersized lot but it will be closer to conformity with minimum lot sizes as identified by the official plan (1.9 ac. (0.8 ha) Section 3.3.6 Minimum Lot Requirements).

ZONING

The lot being added to is zoned as Limited Services Rural (LSR). This application is seeking to move a lot line by way of a lot addition. No new lots are being created. In this situation the existing undersized lot is being enlarged in order to have more land available to the property owners. The lot will be brought closer to conformity with the Zoning by-law which identifies 2.47ac (1 ha) as the minimum lot area per dwelling unit. Regardless, the lot will continue to maintain its legal non-conforming status.

DISCUSSION

If successful, this application will result in 1 lot addition through an adjustment of the existing lot lines. In conclusion, the application, as submitted, is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law.

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

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

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

Conservation Authority – Mississippi Valley Conservation Authority

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever 0.96 ac as a lot addition to the adjacent waterfront property, which is already developed. The retained land is vacant and measures 22.9 ha with 24.4 m of water frontage.

PROPERTY CHARACTERISTICS

According to a review of available GIS mapping and aerial photography, the lot being added to, as well as the retained parcel have frontage on Dalhousie Lake. According to a review of MVCA Regulations Mapping, the lot being added to and the retained parcel are partially within the 1:100 year flood plain and the

Regulation Limit (i.e. within 15 m of the flood plain) of the lake. In addition, the subject property is entirely located within an area which has been classified by the Ministry of Natural Resources (MNR) as a significant deer wintering area.

REVIEW

Natural Heritage Features

Waterbody

The municipalities' planning documents, as well as guidelines prepared in support of the Provincial Policy Statement (PPS) require a minimum setback of 30 m for development from a waterbody. This standard appears achievable on the retained land which is currently vacant. The lot being added to is already developed with no new development proposed at this time.

Lot Size

MVCA is satisfied with the resulting areas proposed.

Water Frontage

Not impacted.

Deer Yard

Guidelines (Natural Heritage Reference Manual, 2010) prepared in support of the PPS indicate that new development, including lot creation, shall only be permitted within significant wildlife habitat if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. In order to address the aforementioned guidelines, an Environmental Impact Statement (EIS) is often required. However, an EIS was not requested in this case given that the lot being added to is already developed and the municipalities Zoning By-Law permits the creation of one lot within a deer yard, with provisions (Section 5.3.6.2).

MVCA anticipates that development impacts on the deer yard can be mitigated if the removal of trees and other terrestrial vegetation is kept to the minimum required to develop each site. A maximum disturbance of 10% is typically recommended.

Natural Hazards

As previously mentioned, a portion of the shoreline of all resulting lots is within the 1: 1 00 year flood plain and it's Regulation Limit. However, area exists on the retained land for future development outside of these regulated areas. And, the lot being added to is already developed with no new development proposed at this time. Therefore, the flood plain is not considered a constraint to the subject application.

RECOMMENDATIONS

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

1. Future development, including a septic system shall be setback a minimum of 30 m from the high water mark of Dalhousie Lake.
2. With the exception of a maximum 9 m wide clearing for water access, the vegetated buffer along the shoreline of the lake shall be maintained to a

- minimum depth of 15 m (measured towards the rear of the lot).
3. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto adjacent properties.
 4. Removal of terrestrial vegetation and deer wintering habitat should be kept to the minimum required to develop the site, to a maximum of 10%.

NOTES

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

As previously indicated, a portion of the subject property is located within the 1:100 year flood plain and the Regulation Limit of Dalhousie Lake. These areas are regulated under Ontario Regulation 153/06. Therefore, written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within these regulated areas. In addition, any proposed alterations to the shoreline of the lake require permission from MVCA.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed lands – A 0.96 acre parcel to be an addition to an existing cottage lot owned by Z and J Ploughman. The parcel of land is mainly wooded land with hydro line through it. Land slopes towards the Maple Hollow Drive. Recommendation – ad addition to an existing lot only.

Retained lands – An approximately 56 acre parcel of land that fronts on North Shore Road. The land is a mix of open field and forested land. There are no existing buildings. Recommendation – Additional sandy loam fill will be required in the area of the future tile bed.

(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 0.39-ha parcel of land as a lot addition to lands owned by Jessica Bowser and Zachary Ploughman at 223 Maple Hollow Drive and retain a 22.9-ha vacant landholding together with an easement (R-O-W) over Maple Hollow Drive traversing over Pt. Lot 13 Conc. 9 Dalhousie. The retained lands were the retained lands from Consent Applications B15/065 and B15/066. The lot addition will increase the Bowser/Ploughman lot from 0.17-ha to 0.56-ha.

The subject lands are located in an area characterized by typical seasonal residential setting along the shore of Dalhousie Lake. Many of the lots along this section of Dalhousie Lake were created in the early 1950's as recreational cottage lots on typical smaller type parcels.

The lands are accessed via Maple Hollow Drive, a private road, accessing 9th Con B Dal, a municipally maintained road.

Soils Inventory – Monteagle

Bedrock Inventory – Marble, calc-silicate

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.

Agricultural Operations

Through the previous application process an MDS calculation was undertaken for B15/066. The MDS indicated a minimum setback of 121 m. This MDS setback is all contained within the lands created by B15/066.

Deer Yard

The subject property is located within the locally known 'Dalhousie Lake Deer Yard'. Winter deer yards provide suitable habitat for the White Tailed Deer, including natural browse, fresh running water and cover from the harsh winter weather. If approval is granted, the applicant should be advised that domestic animals (dogs) should be kept on a leash or in a pen and that tree removal should be kept to a minimum, particularly removal of natural browse (eastern white cedar).

Archaeological

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

Dalhousie Lake

A "State of the Lake Environment Report" was undertaken on Dalhousie Lake in 2001 and 2006. The reports were able to conduct a comparison between water quality conditions as they existed in 2001 and 2006, and the results obtained through the years since 1975. In general the water quality in Dalhousie Lake is good. Water Clarity (TKN) as measured by Secchi Disc for 2006 was 4.1 metres indicating that Dalhousie Lake is a moderately enriched (some nutrients) or mesotrophic lake. Total Phosphorus Loading (TP) calculations indicate a moderately enriched, or mesotrophic lake.

The dissolved oxygen and temperature data at the deepest point in the main basin indicate oxygen concentrations in the deep water portion are poor by mid-September. Every effort should be made to reduce nutrient loading into the lake from land activities. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Spiny water flea was not detected, but zebra mussel larvae and adults were detected. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra

mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. (This section is under appeal to the OMB – until such time as the appeal has been resolved the old policy remains in effect – 2 plus 1 retained). A number of ‘general’ policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.
- 3 Woodlands
The area has considerable land masses mapped as ‘woodlands’, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies has been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

No new or additional infrastructure is required as a result of the proposal. The severed lands will increase the existing undersized lot from 0.17-ha to 0.56-ha which is an improvement and more in keeping with the minimum requirements of Township’s Official Plan. The Township’s Official Plan does, however have the following clause Section 8.3.4 regarding existing undersized lots:
Subsection 8.3.4.2 – A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the zoning by-law. In such cases the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the Zoning By-law. The application can therefore, meet the consistent with test of the Provincial Policy Statement.

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

(e) MINUTES – February 22, 2016

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

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. An appropriate right-of-way shall be reserved over the lot to be retained in favour of the lot to be severed.
6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
7. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
8. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
9. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
10. A letter shall be received from the Township of Lanark Highlands stating that condition #6 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed on the retained lands.*
2. *The Mississippi Valley Conservation Authority recommends that the following mitigative measures be implemented on the retained lands:*
 - 2.1 *Future development, including a septic system shall be setback a minimum of 30 m from the high water mark of Dalhousie Lake.*
 - 2.2 *With the exception of a maximum 9 m wide clearing for water access, the vegetated buffer along the shoreline of the lake shall be maintained to a minimum depth of 15 m (measured towards the rear of the lot).*
 - 2.3 *Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto adjacent properties.*
 - 2.4 *Removal of terrestrial vegetation and deer wintering habitat should be kept to the minimum required to develop the site, to a maximum of 10%.*
3. *The MVCA also advise that a portion of the subject property is located within the 1:100 year flood plain and the Regulation Limit of Dalhousie Lake. These areas are regulated under Ontario Regulation 153/06. Therefore, written permission is required from MVCA prior to the initiation of any potential future development (including construction and filling activity (excavations, stockpiling and site grading)) within these regulated areas. In addition, any proposed alterations to the shoreline of the lake require permission from MVCA.*
4. *In addition, the MVCA advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
5. *Residents and users of Dalhousie Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
6. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
7. *The applicant is advised that the lands are within a recognized "Wintering Area – Deer Yard", the future building envelope should be positioned on open lands. Limited tree cover should be removed, particularly browse and cedar trees.*
8. *The applicant is also advised that where lands are within a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
9. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying*

habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources 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

Owner: Helen Burchill

Hearing Date: February 22, 2016

Agent: Todd Craig

LDC File #: B15/130

Municipality: Township of Montague

Geographic Township: Montague

Lot: 18

Conc.: 2

Roll No.: 0901 000 020 19600

Consent Type: New lot

Purpose and Effect:

To sever a 24.0-ha vacant landholding with access to Guthrie Road and retain a 57.0-ha landholding with an existing residence located at 160 Allington Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	24.0-ha	57.0-ha
Frontage	567 m	347 m
Depth	780 m	1160 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Septic System
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	46 m	46 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural, woodlands, organic soils.

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.

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, 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 2.19 Natural Heritage Features, Section 2.21 Natural Heritage Features, Section 2.22 Ground Water Supply, Sewage Disposal and other Services, Section 3.2 Mineral Resource (Bedrock) Section 3.3 and 3.4 Natural Heritage, Section 3.6 Rural Policies, section 4.4 Township Roads, Section 5.2 Land Division.

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

Zoning By-law – Section 3 General Provisions, Section 11 Rural Zone

The Township of Montague advises that the proposal complies with the Zoning By-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report -

Thank you for circulating the Township of Montague on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owner seeks permission to divide the roughly 80 ha (200 acre) lot to create a new 24 acre building lot fronting on Guthrie Road while retaining a 57 acre landholding accessed from the south on Allington Road. The lot has frontage on both roads, which are both owned and maintained by the Township. The Township has no record of previous severances from this landholding and as such the application could be considered under the Township's lot creation policies.

Review

The severed and retained lands are located within the Rural Designation as outlined in the Township's Official Plan. Section 3.6.1 of the Plan envisions a "modest amount of compatible and orderly development" within the rural areas that are consistent with a rural setting. This includes limited and low density residential development in accordance with the compatibility policies of this Plan. In this case a large new lot is proposed, which may eventually be developed residentially.

While the property is at the edge of the designated Rosedale settlement area, the predominant landscape character on this section of Guthrie Road is rural, being primarily pasture and woodlands. Rural residential and farm development tends to be on very large lots and well set back from the road. The denser residential development occurs to the west in the direction of Rosedale Road. It is felt that a severance of this nature would be consistent with the established rural character of the area.

There are however several natural development constraints that affect the proposed lot and will guide future development. A significant portion of the severed lands is wooded, some of which are identified as "significant" by the Official Plan's constraints mapping. Part of the property is also mapped as being in a significant wildlife corridor, which means it has been identified for its function of maintaining habitat connectivity and biodiversity. This is considered "Significant Wildlife Habitat" under Section 2.21.4 and both the woodlands and the habitat are natural heritage features that are protected by the Plan's policies. As such development cannot proceed unless it has been demonstrated that "there will be no negative impacts on the natural features or their ecological functions". Based on these noted policies and in consultation with the Rideau Valley Conservation Authority, staff accept that the more open area at the front and outside these areas would comprise a suitable building envelope and is the best location for development while preserving the remainder. If a future dwelling or other permitted use were

proposed elsewhere on the lot, an environmental impact study would need to be undertaken to confirm that there will be no negative impacts on the applicable features. This acknowledgement as well as the demarcation of a suitable building envelope can be implemented through a development agreement as a condition of consent approval. Alternatively, the applicant may wish to consider whether it is desirable to undertake this study in advance of the severance being approved in order to fully assess the development potential of the remainder of the severed lot. It should also be noted that these natural features are also largely coterminous with an area of organic soils that poses a natural hazard to development and should generally be avoided.

The retained lot is already developed and this application would not change the development status of this property.

As the severances front on a public road, they satisfy the access policies of the Official Plan (Sec. 2.16). Guthrie Road, while a dead end road only serving local traffic does provide reasonably quick access to major transportation corridors. It is felt that one additional residential lot will not have a consequential impact on municipal services or infrastructure.

In addition to the servicing and compatibility policies referenced above, the application was also evaluated pursuant to the Land Division Policies (Sec. 5.2) and this application is considered to comply. From a zoning perspective, the entire property is zoned Rural and this application is consistent with all provisions of the Zone with respect to the severed lot and the retained.

Conclusion and Recommendations

In conclusion and for the reasons outlined above, staff are of the view that this consent application is generally consistent with the Township's planning policies however staff suggest as a best practice that the usability and conditions of the new lot be assessed through an EIS prior to its creation for the information and benefit of the applicants. Staff do not object to the approval of this application as submitted however, provided the following conditions are implemented.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The Applicant shall confirm that a residential entrance to the severed lands is viable. The Applicant shall consult directly with the Township of Montague in this regard.
- 4) The Applicant shall obtain a Civic Address Number from the Township of Montague for the severed lands. The applicant shall consult directly with the Township in this regard.
- 5) The Applicant shall enter into a Development Agreement with the Township in order to identify a suitable building envelope on the severed lands and acknowledge potential constraints for future development. The Agreement shall also address the comments of the Rideau Valley Conservation

- Authority dated January 13,2016.
- 6) The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof
 - 7) Sufficient land for road widening purposes shall be conveyed to the Township of Montague by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

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 revised proposal is to sever a 24 hectare lot from the existing lot which would ultimately result in a total of 2 lots.

PROPERTY CHARACTERISTICS

Severed Parcel

The majority of the severed parcel is treed with a portion of the parcel identified as unevaluated wetlands while two watercourses traverses the property. Portions of the property have been identified as Significant Woodlands and Natural Corridors in the Township's Official Plan. There is a small cleared area along Guthrie Road. The lot is currently vacant.

Retained Parcel

Majority of the retained parcel is pasture land or cleared with some areas well treed. The well treed area has been identified as Significant Woodlands in the Township's Official Plan. The retained parcel is already developed with a residence and barn.

REVIEW

Natural Hazards - Organic Soils

Severed Parcel

Portions of the severed parcel, primarily near the back half (south) of the lot have been identified as Organic Soils in the Township's Official Plan. Organic soils are considered a natural hazard (hazardous site) in the Provincial Policy Statement. The Provincial Policy Statement and the Township's Official Plan encourage development to be located outside of areas identified with Organic Soils. In this particular case there is a sufficient building envelop fronting Guthrie Road which would be entirely outside of the area identified as Organic Soils.

Retained Parcel

There have been no Organic Soils identified on the retained parcel in the Township's Official Plan.

Natural Heritage - Significant Woodlands*Severed Parcels*

A portion of the severed parcel has been identified as Significant Woodlands in the Township's Official Plan. The Township's Official Plan requires that an EIS be submitted demonstrating that there will be no negative impacts on the natural features or their ecological functions. The Conservation Authority notes that there has been no EIS submitted with this application. However, there is a portion of the property along Guthrie Road which is outside of the area identified as Significant Woodlands. It is the Conservation Authority's opinion that in lieu of the applicant submitting an EIS, a development envelope could be established with the consultation of the Conservation Authority and the Township which would be in the area that would have little impact providing best management practices are utilized. This could be addressed as a condition of approval and carried into a development or site plan agreement.

Retained Parcel

A small portion of the retained parcel has been identified as Significant Woodlands in the Township's Official Plan. The retained parcel is already developed with a residence and a barn. No new development is proposed on the retained parcel as a result of this application, therefore there are no anticipated impacts on the Significant Woodlands identified on the retained parcel.

Natural Heritage - Natural Corridors*Severed Parcel*

A portion of the severed parcel has been identified as Natural Corridors in the Township's Official Plan. The Natural Corridors runs along the watercourse on the severed parcel. Similar to our recommendations for Significant Woodlands, it is the Conservation Authority's opinion that there is a suitable building envelope on the property which could be identified in consultation with the Conservation Authority and the Township without requiring an EIS. Therefore, providing this forms a condition of draft approval, the intent of the Township's Policies can be met.

Retained Parcel

There has been no Natural Corridors identified in the Township's Official Plan for the retained parcel.

Natural Heritage - Watercourses*Severed Parcels*

Two watercourses have been identified on the severed parcel. One of the watercourses flows from the north-east corner to the south-west corner of the proposed lot line of the severed parcel. The second watercourse flows into the first watercourse (east to west). The watercourses are within the area identified as Natural Corridors. There is a sufficient building envelope on the severed parcel well away from the watercourse. Providing that a building envelope is established through a condition of approval, there is no anticipated impact on the watercourse as a result of this application.

Retained Parcel

There have been no watercourses identified on the retained parcel.

Wellhead Protection Area*Severed Parcel and Retained Parcel*

It is important that the applicant is aware that the severed and retained parcels are entirely within the Wellhead Protection Area (Vulnerability Score of 4) and subject to the Mississippi-Rideau Source Protection Plan under the Clean Water Act. Certain activities such as new chemical handling and storage facilities containing DNAPL substances (Dioxane - 1,4); Polycyclic aromatic hydrocarbons (PAHs); Tetrachloroethylene (PC E) (also called PERC); Trichloroethylene (TCE); Vinyl chloride) are prohibited within this area. For more information, please visit the Mississippi-Rideau Source Protection Plan at www.mrsourcewater.ca.

Conservation Authority Regulation

For the applicant's information the watercourses 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 alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.

CONCLUSION

In conclusion, the Conservation Authority has no objection to this severance application subject to the following conditions:

1. That the applicant shall, in consultation with the Rideau Valley Conservation Authority and the Township of Montague, clearly delineate a development envelope for the severed parcel on a site plan to address the impacts on the Significant Woodlands and the Natural Corridors. The site plan shall be to the satisfaction of the conservation Authority and the Township.
2. That the applicant enters into a development agreement or a site plan agreement with the Township to the satisfaction of the Conservation Authority and the Township that includes the following clauses:
 - a. That the Owner acknowledges and agrees that all development (including but not limited to structures, pools, decks, auxiliary buildings, onsite private sewage systems including the mantle, etc ...) on the severed parcel is restricted to the development envelope in the approved site plan.
 - b. That the Owner acknowledges and agrees that any watercourse is subject to Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" made pursuant to Section 28 of the Conservation Authorities Act as administered by the Rideau Valley Conservation Authority. The prior written approval of the RVCA is required for any alteration, straightening, changing, diverting or interfering in any way with any watercourse (including watercourse crossings).

Should the applicant wish to have more development options on the property than that suggested in our recommended conditions, then the application should be adjourned until such time that an EIS is submitted in accordance with the

Township's Official Plan requirements and the necessary recommendations based on the EIS can be made to the committee. Please keep us informed on the status of this application.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed lands – A 60 acre parcel of land that has no existing buildings. Land is mainly bush and open field. There is sufficient area for a future tile bed.

Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

Retained lands – A 57 hectare parcel of land. There is an existing old bar and house. Land slope, drainage and soil depths can vary throughout parcel. There is sufficient area to replace septic system. Recommendation – additional sandy loam fill will be required in the area of the future replacement tile bed.

Hydro One Networks – No comments were received.

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

We have no concerns or objection to the proposed severance.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 24.0-ha vacant landholding and retain a 57.0-ha landholding with an existing residence at 160 Allington Road.

The subject lands are located in an area characterized by large landholdings along Guthrie and Allington Road. A rural estate lot subdivision (created in 1996 as Plan 80) is located to the west of the lands to be severed.

The lands are accessed via Guthrie Road and the retained lands are accessed via Allington Road, both municipally maintained roads. Guthrie Road 'dead-ends' approximately 650 m east of the easterly boundary of the lot to be severed.

Soils Inventory – West portion	East Portion
- Name: Farmington	North Gower
- Stoniness: slightly stony	non stony
- CLI: 6 – natural grazing only	2 – moderate limitations
- Drainage: well drained	high run-off
- Hydrogeology: moderate	poor

Bedrock Inventory – Dolostone, sandstone

Agricultural Operations

A derelict unused livestock facility is located on the retained lands, approximately 360 m from the nearest lot line of the proposed new lot. No MDS was undertaken

as there is sufficient area on the severed lands to develop a residential dwelling outside any MDS setback area.

Source Water Protection

The lands are located within an area designated as WHPA less than 8, therefore a 'note' should be included in the conditions advising that the following activities are not permitted:

New Chemical Handling and Storage - DNAPL* substances (any quantity):

- o Dioxane-1,4
- o Polycyclic aromatic hydrocarbons (PAHs)
- o Tetrachloroethylene (PCE) (also called PERC)
- o Trichloroethylene (TCE)
- o Vinyl chloride

**DNAPL and organic solvent use is associated with automotive, dry cleaning and furniture refinishing businesses as well as certain manufacturing processes. DNAPL is an acronym for Dense Non-Aqueous Phase Liquids.*

Consult the municipality or Risk Management Official if:

- *Activities on this list are 1) already occurring, 2) are proposed to resume after an interruption, 3) are proposed to expand or 4) were the subject of a previous application or approval. These may proceed if they meet the Interruptions / Expansions Policy or the Transition Policy but a Risk Management Plan will be required; or*
- *There is uncertainty regarding whether or not a proposed activity is prohibited.*

Source Water Protection

A portion / all 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.

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

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

(e) MINUTES – February 22, 2016

Todd Craig, agent attended the hearing and gave evidence under oath.

Mr. Craig advised that he is aware of the requirement for a Development Agreement, to indicate where a future building envelope is to be located. Also advising that he has adjusted to lot lines to make the lot more 'square' in shape. This change would be about acres additional area.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
4. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Montague. The wording of the agreement shall be acceptable to the Municipality and shall identify a suitable building envelope and acknowledge potential future development constraints as outlined by the Conservation Authority in their report of January 13, 2016, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
6. Payment shall be made to the Township of Montague 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. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Montague. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Montague by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road

widening required.

10. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #5 has been fulfilled to their satisfaction.
11. A letter shall be received from the Township of Montague stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future replacement tile bed on the retained lands and any new tile bed area on the severed lands.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. Source Water Protection
The applicant is advised that the severed and retained parcels are entirely within the Wellhead Protection Area (Vulnerability Score of 4) and subject to the Mississippi-Rideau Source Protection Plan under the Clean Water Act. Certain activities such as new chemical handling and storage facilities containing DNAPL substances (Dioxane - 1,4); Polycyclic aromatic hydrocarbons (PAHs); Tetrachloroethylene (PC E) (also called PERC); Trichloroethylene (TCE); Vinyl chloride) are prohibited within this area. For more information, please visit the Mississippi-Rideau Source Protection Plan at: www.mrsourcewater.ca .
4. *The applicant is advised that a portion / all 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.*
5. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
6. *The Township of Montague may require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources 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

Owner: Donna Warwick

Hearing Date: Feb 22, 2016

Agent: Douglas Sward

LDC File #: B15/134, B15/135,
B15/136, B15/157 & B15/138

Municipality: Tay Valley

Geographic Township: North Burgess

Lot: 2

Conc.: 1

Roll No.: 0911 914 015 01500

Consent Type: 5 lot additions

Purpose and Effect:

B15/134 – to sever a 1,410 sq.m. parcel of land as a lot addition to lands owned by Peter and Georgia Myers at 2230 Crozier Road A.

B15/135 – to sever a 1,200 sq.m. parcel of land as a lot addition to lands owned by Joan MacDonald and Dean McLean at 2240 Crozier Road A.

B15/136 - to sever a 728 sq.m. parcel of land as a lot addition to lands owned by Douglas and Patricia Sward at 2246 Crozier Road A.

B15/137 – to sever a 1,340 sq.m. parcel of land as a lot addition to lands owned by Christopher Rainer, Elizabeth Rainer and Karl Rainer at 2260 Crozier Road A.

B15/138 – to sever a 2,336 sq.m. parcel of land as a lot addition to lands owned by Jane Johnston at 2284 Crozier Road A.

And to retain a 5,439 sq.m. seasonal residential lot at 3026 Crozier Road B.

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 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 2.19 Natural Hazard Features, section 2.21 Natural Heritage Features, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural, Section 4.4 Township Roads, Section 4.5 Private Roads, section 5.2 Land Division.
 Tay Valley Township advises

Zoning By-law – Section 3 General Provisions, section 5.2 Seasonal Residential, section 5.3 Limited Services Residential, Section 10 Rural.
 Tay Valley Township advises

(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 five small parcels from the Warwick (retained) property as lot additions to five adjacent properties on Crozier Roads A and B. The purpose is to enlarge the receiving lots and correct title for the access to these lots along the existing private road.

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 al/ taxes owing
- Payment of al/ costs incurred by the Township for review
- Two copies of each deed/transfer
- Six copies of the reference plan

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural; residential use is permitted.

ZONING BY-LAW

The retained and four of the receiving lots are zoned Seasonal Residential; the fifth

receiving lot is zoned Residential Limited Services Exception-110 .
 B15/134 adds 1410m² to Myers (RLS-11 0)
 B15/135 adds 1200m² to MacDonald & McLean (RS)
 B15/136 adds 728m² to Sward (RS)
 B15/137 adds 1340m² to Rainer (RS)
 B15/138 adds 2336m² to Johnston (RS)
 The retained ends up with 5439m² (RS)

No further development is proposed for any of the lots at this time.
 Comments were not required from the Rideau Valley Conservation Authority (RVCA) and Mississippi Rideau Septic System Office (MRSSO).

CONCLUSION

The Planner recommends that consent be granted to these five applications, subject to the conditions and advisory notes listed in the Staff Recommendation section above.

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, six (6) copies of an acceptable reference plan (or legal description) of the severed lands and two copies each deed/transfers(s) be submitted to the Township."

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever five (5) lot additions to adjacent lands. These lands lie between the existing private road known as Crozier Road A and the waterfront lots.

The subject lands are located in an area characterized by typical seasonal residential on smaller type lots along the shore of Bob's Lake. The effect of the lot additions is to increase the size of the existing lots and to legalize the ownership of the lands which may currently be used to the purchasers.

The lands are accessed via Crozier Road A, a private road, which adjoins with Crozier Road, a municipally maintained road, which adjoins Bollingbrooke Road, a County maintained road.

Soils Inventory – Monteagle

Bedrock Inventory – granodiorite, granite, syenite.

Archaeological

The lands are located within 300 m of Primary Water Source (Bob's Lake) and

therefore are subject to archaeological potential.

Bob's Lake

A "State of the Lake Environment Report" was undertaken on Bob's Lake in 2005. Bob's Lake was created as a reservoir for the Tay Canal and as such has a greater potential for greater fluctuation of water levels. The report was able to conduct a comparison between water quality conditions as they existed in 2003 to results obtained from 1975 to 2003. The historical data and the results of the 2003 sampling indicate that Bob's Lake is in middle mesotrophic stage. Generally the lake is in good condition. Bacteria counts were low and nutrient concentrations are reasonably good with only minor localized algae accumulations. It is worth all users of the lake to practice good stewardship by having septic systems inspected, limiting lot clearing, maintaining a vegetated buffer along the shoreline and keeping cattle out of inflow streams and lake. While zebra mussel veliger's (larvae) were found in Crow Lake in 2004, they were determined to be absent when testing was done in 2005, though they were found in Bobs Lake, along with the Spiny Water Flea. The experience on Crow Lake suggests that these invasive species may die off and fail to procreate (calcium levels may not be adequate to enable larvae to morph into adults), though frequent reintroduction will likely serve to reinforce nascent communities.

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)

Frontenac Arch Biosphere (*The Frontenac Arch is the ancient granite bridge from the Canadian Shield to the Adirondack Mountains where five forest regions merge*)

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 has been established by Tay Valley Township.

Zoning

The subject property is currently within the Seasonal Residential or Limited Services Residential zones section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. Any new development will be required to meet the minimum setback requirements of the Zoning By-law. The minimum lot size for Seasonal Residential and Limited Services Residential in 0.405-ha, the additional lands will bring the lots to be enlarged up to:

Myers B15/134 – 0.28-ha
 MacDonald B15/135 – 0.254-ha
 Sward B15/136 – 0.20-ha
 Rainer B15/137 – 0.46-ha
 Johnston B15/138 – 0.40-ha

Section 3.2 of the Township's Zoning By-law provides that existing non-complying lots that are increased in size, but still do not meet the minimum requirement, may be permitted without the requirements to obtain relief from the applicable lot area, but will still remain as 'existing non-complying lots'. The applicants understand the effects of this, and have chosen to remain as non-complying, which the Township has agreed to. This provision does not grant relief from any other provisions i.e. setbacks, new development, alterations, etc.

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 – February 22, 2016

Douglas Sward, agent, Joan MacDonald, purchaser and Dean McLean, purchaser attended the hearing and gave evidence under oath.

Mr. Sward provided background information of the application. And noting that the boat roam (water access) will be part of the Johnson Property, but all cottagers that currently use this will still have access to the ramp. Costs for repairs etc., to be borne by the Cottage Road Association.

Mr. McLean noted that this straightens up the title for those lands lying between the private road and the cottage lots, and provides additional lands for either parking or future septic replacement systems.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B15/134

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 for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
4. The deed of land required by condition #1 above shall recognize any easements that currently exist.
5. The 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 Peter John Myers and Georgia Edith Myers described as Part Lot 2 Conc. 1 South Sherbrooke, (2230 Crozier Road A) 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".

6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Tay Valley Township.
7. 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.
8. 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.
9. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
10. A letter shall be received from Tay Valley Township stating that condition #6 through #9 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. *Residents and users of Bob's Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
3. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
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.

B15/135

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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 Dean McLean and Joan MacDonald described as Part Lot 2 Conc. 1 South Sherbrooke, (2240 Crozier Road A), 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".
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9. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.

10. A letter shall be received from Tay Valley Township stating that condition #6 through #9 has been fulfilled to their satisfaction.

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10. A letter shall be received from Tay Valley Township stating that condition #6 through #9 has been fulfilled to their satisfaction.

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B15/137

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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 Karl

Rainer, Elizabeth Rainer and Christopher Rainer described as Part Lot 2 Conc. 1 South Sherbrooke, (2260 Crozier Road A), 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”.

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7. 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.
8. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
9. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
10. A letter shall be received from Tay Valley Township stating that condition #6 through #9 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. *Residents and users of Bob's Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
3. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
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.

B15/138

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 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 Jane Toland Johnston described as Part Lot 1 & 2 Conc. 1 South Sherbrooke,(2284 Crozier Road A), 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 deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
5. The deed of land required by condition #1 above shall recognize any easements that currently exist.

6. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Tay Valley Township.
7. 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.
8. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
9. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
10. A letter shall be received from Tay Valley Township stating that condition #6 through #9 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. *Residents and users of Bob's Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
3. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
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

Owner: Robert Dick

Hearing Date: February 22, 2016

Agent: Tracy Zander, ZanderPlan Inc.

LDC File #: B15/142

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 17 & 18

Conc.: 6

Roll No.: 0911 911 020 43700

Consent Type: Easement

Purpose and Effect: To create an easement over lands described as Pts. 2 & 3 Plan 27R-8284 in favour of 1503550 Ontario Ltd.

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.

1.6 Infrastructure and Public Service Facilities

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 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 2.21 Natural heritage Features, Section 3.4 Natural 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 5.3 Limited Services Residential.

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 create an easement over lands described as Parts 2 & 3 on survey 27R-8284 in favour of the neighbouring owner.

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

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural.

ZONING BY-LAW

The parcel is zoned Residential Limited Services. No further development is proposed at this time. Comments were not required from the Rideau Valley Conservation Authority (RVCA) and Mississippi Rideau Septic System Office (MRSSO).

CONCLUSION

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

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 two copies of the deed/transfers(s) be submitted to the Township."

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever an easement of lands described as Parts 2 and 5 on Reference Plan 27R-8284 in favour of 1503550 Ontario Ltd.

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 Township.

Zoning

The subject property is currently within the residential limited services section of the Zoning By-law. The application is not affected by zoning as no structures are intended to be constructed on these lands by the purchaser.

Conclusion

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 – February 22, 2016

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

Ms. Zander explained that the Ont. Inc. landowner currently uses this point of land for access to Black Lake, as the waterfront access along their lot is poor and weedy.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 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 lands being severed are for easement purposes only in favour of 1503550 Ontario Limited, described as Pt. Lot 17 Conc. 6 geographic Township of North Burgess being Part 1 on Reference Plan 27R-8284.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with a copy of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT**Owner:** Travis and Valerie Lalonde**Hearing Date:** Feb. 22, 2016**Applicant:** Michael Sanford**LDC File #:** B15/143**Municipality:** Township of Lanark Highlands**Geographic Township:** Lanark**Lot:** 15**Conc.:** 10**Roll No.:** 0940 934 020 05100**Consent Type:** Lot addition**Purpose and Effect:**

To sever a 0.6-ha parcel of land as a lot addition to lands owned by Michael Sandford and Francine Taillefer at 3046 Wolfe Grove Road and to retain a 63.6-ha landholding with an existing dwelling located at 2094 Wolfe Grove Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Lot addition	Residential
Area	0.6-ha	63.6-ha
Frontage	68.27-m	361.23 m
Depth	133.19 m	490.6 m
Road - Access to	County	County
Water Supply	n/a	Private Well
Sewage Disposal	n/a	Septic System
Zoning By-law Category	Rural	Rural
-Area (minimum)	n/a - Lot Addition	1.0-ha
-Compliance?		Yes
-Frontage (minimum)		60 m
-Compliance?		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.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.3 County Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 8.2.2 Consents.

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

Local Official Plan – Section 3.3 Rural Communities, section 4.1 Mineral Aggregates, Section 5.3.2 Wetlands, Section 7.4.2 County Roads, section 8.4.2 Consents.

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

Zoning By-law – Section 4.0 General Provisions, Section 6.0 Rural Zone, Section 17.0 Environmental Protection Zone.

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

(b) AGENCY REVIEW

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

Township Planning Report -

Review of Proposal and Application

An application has been received for comment from the County of Lanark Land Division Committee to sever a 1.48 ac. (0.6 ha.) parcel of land as a lot addition to lands owned by Michael Sanford and Francine Taillefer, legally described as Part Lot 15 Con. 10, Lanark. The retained parcel is a 157 ac. (63.6ha) landholding with an existing dwelling located at 2904 Wolf Grove Rd.

OFFICIAL PLAN

The proposed lot addition is in conformity with the relevant policies of the Township's Official Plan. The subject lands are designated as Rural Communities on Schedule 'A' of the Township of Lanark Highlands Official Plan.

The lot benefiting from the lot addition, 3046 Wolf Grove Road, is a 1.56 ac. (0.63 ha.) developed lot. The proposed lot addition is 1.48 ac. (0.6 ha.) which will result in an increased lot size of approximately 3 ac. (1.23 ha). The new lot size exceeds the minimum lot size identified by the Official Plan.

ZONING

The lot being added to is zoned as Rural (R). This application is seeking to move a lot line by way of a lot addition. No new lots are being created. In this situation the existing lot is being enlarged in order to have more land available to the property owners. The lot will be in conformity with the Zoning by-law which identifies 2.47ac (1ha) as the minimum lot area per dwelling unit.

DISCUSSION

If successful, this application will result in 1 lot addition through an adjustment of the existing lot lines. The lot benefitting from the lot addition is a previous severance (813/123). The area being added to the lot is within the influence zone of a Provincially Significant Wetland and Environmental Protection zone. For this reason, an Environmental Impact Statement was prepared for a previous application on the subject property. As the lot being added to is already developed, it is not anticipated that the lot addition will create any new impacts on the PSW or EP area.

In conclusion, the application, as submitted, is consistent with the PPS, and complies with the policies of the existing Official Plan and Zoning By-law.

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

1. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
2. That the applicant pays any outstanding fees to the Township prior to final approval.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. That the applicant shall enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of January 16, 2015.

Conservation Authority – MVCA

The following is the MVCA report for Consent B2013/122 (W ½ Lot 15 Conc. 10 Lanark) as it relates to the property review for application B2015/143. The property that is the subject of this application is referred to as 'severance 2' within the body of the report.)

Mississippi Valley Conservation (MVC) has been circulated the above noted applications (B13/122 and B13/123) to conduct a review in terms of MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion. An Environmental Impact Study (EIS), prepared by EcoTec Environmental Consultants Inc., dated May, 2014 was included as part of the application. We note that the EIS was prepared in support of a previous version of the subject application which was subsequently modified. However, MVCA has accepted this EIS to address the revised applications as it still applies to Severance 1. The EIS did not address Severance 2; however sufficient area exists on this potential lot for development beyond any area of concern.

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (2) vacant lots, one measuring 1.9 ha (Severance 1) and the second measuring 32.4 ha (Severance 2). The retained land is also vacant and measures 28.3 ha.

PROPERTY CHARACTERISTICS

A review of available GIS mapping shows that a significant portion of Severance 2 is located within the Clayton-Taylor Complex and largely within the 120 m adjacent lands of this feature. This wetland complex has been classified by the Ministry of Natural Resources as a Provincially Significant Wetland (PSW). A small unclassified wetland has also been identified along Wolf Grove Road, on Severance 2. According to GIS mapping, an unnamed watercourse connects this small wetland to the larger PSW to the north. However, it was not observed by MVCA on site. Mapping also shows the headwaters of an unnamed watercourse flowing through Severance 1; however, the EIS did not identify this watercourse as present. Severance 1 is located almost entirely within the 120 m adjacent lands to the PSW. With respect to the retained lands, a portion of the PSW extends into its northern property line. A portion of the retained lands in the northern and south-eastern sections are within the 120 m adjacent lands to the PSW.

REVIEW**Natural Heritage Features****PSW**

The Provincial Policy Statement (PPS) requires that new development within 120 m of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of this feature. In order to address this requirement, an EIS was provided to assess

Severance 1.

In summary, the EIS concluded that there would be no negative impacts to significant features as a result of creating Severance 1. Several mitigative measures were recommended (outlined below). MVCA's Biologist has reviewed the EIS and concurs with the conclusion and recommendations.

Concerning Severance 2 and the Retained lands, sufficient area exists for potential future development beyond the 120 m adjacent lands. Therefore, it is our opinion that there would be limited value in conducting an EIS at this time to assess these lots. However, if future development is proposed within these adjacent lands, an EIS will be recommended.

Unclassified Wetland

We understand that the small unclassified wetland on Severance 2 has not been evaluated as a significant natural heritage feature, as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of flora and fauna (often including fish). They may also provide connectivity and function to Natural Heritage Systems, as defined in the PPS (2014). Therefore, a development setback of a minimum 30 m from any wetland is recommended.

Other

We note that the EIS identified ephemeral pools on Severance 1.

Natural Hazards

Wetlands inherently consist of organic soils. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, any potential new development should be directed outside of these areas.

RECOMMENDATIONS & CONCLUSION

MVCA does not have any objections to the proposed severances provided the following mitigative measures are adhered to: [*recommendations relating to Severance 1 removed from report*]

Severance 2:

- The driveway access and buildable area for Severance 2 be located in such a way to provide a 30m setback with a 15m vegetated buffer to the smaller wetland.
- The unclassified wetland shall remain undisturbed.
- Severance 2 and Retained Lands:
- An EIS shall be required for any proposed development within 120 m of the PSW.

NOTES

The applicant should be advised that the subject property is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, a permit is required from MVCA prior to the proposed construction on Severance 1. In addition, written

permission is required from MVCA prior to any proposed interference within 120 metres of the PSW on Severance 2 and the Retained Lands.

We advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the unclassified wetland on Severance 2, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

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

Septic Office – Not required – newly installed system on lot to be enlarged,

County Public Works - Not required entrances are already installed, road reconstructed in 1980's. (Review was undertaken through Consent application B2013/122.)

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.6-ha vacant parcel of land as a lot addition to lands owned by Michael Sandford and Francine Taillefer and to retain a 63.6-ha landholding with an existing dwelling located at 3046 Wolf Grove Road. The lot addition will increase the existing lot from 0.63-ha to 1.23-ha, thereby bringing the undersized lot unto conformity with the Township's Zoning By-law.

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

Soils Inventory – Name: Tweed

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

Bedrock Inventory – marble, calc-silicate, skam

The west ½ lot 15 Conc. 10 Lanark was created by consent in 2013. Through this process, the then landowner, was required to prepare and Environmental Impact Assessment due to the proximity of the Provincially Significant Wetland (Clayton-Taylor Wetland Complex). The EIS concluded that there would be no negative impacts to the significant features as a result of creating the large land parcel. However, if future development was proposed within the adjacent lands to the PSW, then an additional EIS would be required. The lot to be enlarged is already developed (existing dwelling), therefore it is not anticipated that the lot addition will create any new impacts on the PSW or EP area.

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:
Clayton-Taylor Wetland Complex – Evaluated Wetland

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3 and 8.4.2 of the OP. Up to 3 consents, excluding the retained lot may be granted for a lot or landholding existing as of April 1, 2003. (This section is under appeal to the OMB – until such time as the appeal has been resolved the old policy remains in effect – 2 plus 1 retained). A number of 'general' policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.
- 3 Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies has been established by the Township of Lanark Highlands.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot will increase the existing lot from 0.63-ha to 1.23-ha, thereby meeting the minimum lot size required by the Township's Zoning By-law.

Conclusion

No new or additional infrastructure is required as a result of the proposal. The severed lands will increase the size of the existing lot to meet the minimum requirements of Township's Zoning 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 Lanark Highlands and could be given favourable consideration.

(e) MINUTES – February 22, 2016

Valerie Lalonde , owner and Michael Sanford, applicant attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Michael Sandford and Francince Taillefer described as Part Lot 15 Con 10 Lanark, Plan 27R-6053 Part 2, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the

Conservation Authority as outlined in their report of January 16, 2015, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.

9. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that written permission is required from MVCA prior to any proposed interference within 120 metres of the PSW on severed lot, the lot to be enlarged and the retained lands.*
2. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources 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

Owner: Rudolf Welz

Hearing Date: Feb 22, 2016

Applicant: Rudolf Welz

LDC File #: B15/147

Municipality: Township of Montague

Geographic Township: Montague

Lot: 27

Conc.: 9

Roll No.: 0901 000 025 27700

Consent Type: Lot addition

Purpose and Effect:

To sever a 1.016-ha parcel of land as a lot addition to lands owed by Rudolf Welz at 444 Brown Road and to retain a 43.48-ha landholding at 514 Brown Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Farm Residential
Proposed Use	Lot addition	Farm Residential
Area	1.016-ha	43.38-ha
Frontage	60 m	293.3 m
Depth	167.68 m	868.3 m
Road - Access to	Municipal	Municipal
Water Supply	n/a	Private Well
Sewage Disposal	n/a	Septic System
Zoning By-law Category	n/a – lot addition	Rural
-Area (minimum)		0.4-ha
-Compliance?		Yes
-Frontage (minimum)		45 m
-Compliance?		Yes

Official Plan Designation: Organic Soils, Rural, Woodlands

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.

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 2.19.2 Organic Soils, Section 2.22 Groundwater Supply, Sewage Disposal, Section 3.6 Rural, Section 4.4 Township Roads, Section 5.2 Land Division.

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

Zoning By-law – Section 3 General Provisions, Section 11 Rural Zone.

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

(b) AGENCY REVIEW

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

Township Planner's Report -

Thank you for circulating the Township of Montague on this consent application. Staff understand that the purpose of the application is allow the severance of a 1 ha (2.4 acre) portion of a 44.5 ha lot owned by Mr. Welz for a lot addition to an adjacent 1 ha residential lot also owned by Mr. Welz. The lot to be enlarged is presently vacant and was created at the same time as two others in 2011 . The lots all front on Brown Road. While the Official Plan would not allow the severance of additional lots on this property, a lot addition does not have the effect of creating new development and as such could be considered according to the lot creation policies.

The area proposed for the lot addition is designated Rural according to the Township's Official Plan, however there are significant woodland and organic soil constraints overlays. If this were proposed as a new lot, feasibility studies would need to be undertaken in order to demonstrate the suitability of additional development, however the development principle has already been established through the 2011 severance. This lot addition does not add to or change the development potential of the property however it could be positive as the larger lot size would allow consideration of additional sites for a future dwelling on the constrained property. A minimum distance separation (MDS) calculation was submitted with this application showing that an adequate distance exists between the newly configured lot and a dairy barn on the retained land. With the above in mind, the overall impact on the planning context of this site appears to be minimal.

The severed, retained and enlarged properties are all zoned Rural according to the Township's Zoning By-law. As per the property information provided, the applications will not create any zoning compliance issues.

Given the foregoing, Montague Township does not object to the above application provided that the proposed conditions described below are fulfilled:

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 3) The severed lands shall be for lot additions only to adjacent lands as identified in the in the applications.

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW**Background and Summary**

The applicant proposes to sever a 1.016-ha parcel of land as a lot addition to lands owned by Rudolf Welz and retain a 43.48-ha landholding with an existing dwelling and barn. The lot to be enlarged is one of three consents approved in 2011. The additional lands will increase the lot size from 1.0-ha to 2.016-ha.

The subject lands are located in an area characterized by rural residential on larger landholdings, intermixed with typical rural residential lots along Brown Road. The effect of the lot enlargement will allow greater flexibility for siting of a residential structure, in consideration of the Minimum Distance Separation calculation that will be required prior to the issuance of a residential building permit on the lands to be enlarged.

The lands are accessed via Brown Road, a municipally maintained road. Brown Road 'dead-ends' approximately 350 m west of the lot to be enlarged.

Soils Inventory – Name: Muck

Bedrock Inventory – dolostone, sandstone

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 106m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 187m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Source Water Protection

A portion / all 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.

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

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The lot to be enlarged meets the minimum lot size and frontage of the Township's Zoning By-law, and the additional lands will permit greater flexibility in siting a residential dwelling, taking into consideration the MDS setback requirements from the existing livestock housing on the retained lands.

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.

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

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

(e) MINUTES – February 22, 2016

Rudolph Welz, owner attended the hearing and gave evidence under oath.

Committee reviewed the staff report and draft conditions.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 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 Rudolf Welz described as Part 1 on Reference Plan 27R-9985, Pt. Lot 27 Conc. 9 Montague, 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 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".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. A letter shall be received from the Township of Montague stating that condition #5 and #6 has been fulfilled to their satisfaction.

NOTES1. 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.

2. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*

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.