
The Land Division Committee met in regular session on Tuesday, July 12, 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

R. Strachan declared pecuniary interest with regards to consent application B16/035 - Alfred H. Von Mirbach.

3. APPROVAL OF MINUTES

MOTION #LD-2016-25

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

"THAT, the minutes of the Land Division Committee meeting held on June 13, 2016, be approved as circulated."

ADOPTED

4. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2016-26

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

"THAT, the agenda be adopted as presented."

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. NEW APPLICATIONS

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

- 6.1 B16/014 to B16/018 – Patrick Cordick – 5 new lots
Pt. Lot 23 and 24 Conc. 9 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Ebb's Bay Road and Rothwell Park Road.
- 6.2 B16/034 – Russell and Cheryl Burke – new lot
Pt. Lot 1 Conc. 10, geographic Township of North Burgess, now in Tay Valley Township. Scotch Line Road.
- 6.3 B16/035 – Alfred H. Von Mirbach – new lot & easement
Pt. Lot 7 to 9 Conc. 5 geographic Township of North Burgess, now in Tay Valley Township. Tully's Way.
- 6.4 B16/057, B16/058 and B16/059 – Johanna Douglas-O'Neil – 3 new lots
Pt. Lot 18 Conc. 10 Township of Montague.
Rosedale Road N. and McLachlin Road.
- 6.5 B16/029 – Jean C. Picard and Anne L. Picard – new lot
Pt. Lot 20 Conc. 2 geographic Township of Ramsay, now in the Municipality of Mississippi Mills. Ramsay Con 3B.
- 6.6 B16/039 and B16/040 – Jeremy James Adam – two new lots
Pt. Lot 4 and 5 Conc. 9 geographic Township of Dalhousie, now in the Township of Lanark Highlands. Leo Jay Lane.
- 6.7 B16/060 – Donna L. Blair, James A. McLaren, & Lyle W. McLaren – new lot
Pt. Lot 17 Conc. 7 geographic Township of Drummond, now in the Township of Drummond / North Elmsley.
Drummond Con 7.

- 6.8 B16/077 – Ian Bowes – new lot
Lot 90 Plan 6115, Town of Carleton Place. Elizabeth Street.
- 6.9 B16/081 – Renwick & Associates – new lot
Lot 60 Plan 133, Town of Carleton Place. Frank Street.

7. DEFERRED APPLICATIONS

None.

8. CONFIDENTIAL REPORTS

None.

9. COMMUNICATIONS/OTHER BUSINESS

- 9.1 Scoped Hydrogeological Study - deferred
- 9.2 Ontario Municipal Board – notice of hearing for Wilson
B10/154 - Thursday, September 1, 2016 at 10:00 a.m.
D/NE Council Chambers, Port Elmsley. Hearing Postponed
at the request of the appellant – no new date has been set.

10. PROVISIONAL CONSENT GRANTED

- 10.1 B16/014 to B16/018 – Patrick Cordick – 5 new lots 6 - 21
- 10.2 B16/029 – Jean C. Picard and Anne L. Picard – new lot 22 - 33
- 10.3 B16/035 – Alfred H. Von Mirbach – new lot & easement 34 - 44
- 10.4 B16/039 and B16/040 – Jeremy James Adam – two new lots 45 - 57
- 10.5 B16/057, B16/058 and B16/059 – Johanna Douglas-O’Neil – 3 new lots 58 - 74
- 10.6 B16/060 – Donna L. Blair, James A. McLaren, & Lyle W. McLaren – new lot 75 - 83

10.7 B16/077 – Ian Bowes – new lot 84 - 88

10.8 B16/081 – Renwick & Associates – new lot 89 - 94

11. PROVISIONAL CONSENT DEFERRED

11.1 B16/034 – Russell and Cheryl Burke – new lot 95 - 102

MOTION #LD-2016-27

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

"**THAT**, consent application B16/034 – Burke be deferred to provide the applicant time to review alternative options to address road frontage;

AND THAT, the application be brought back before Committee at the request of the applicant/agent."

CARRIED

12. PROVISIONAL CONSENT DENIED

None

13. UPCOMING MEETINGS AND NOTICES

August 8, 2016 at 9:00 a.m.

August 19, 2016 - Annual Warden's Golf Tournament, Timber Run, Lanark

September 6, 2016 at 9:00 a.m.

Sept 22 and 23, 2016 - OACA Fall Seminar – Town of Orangeville.

October 17, 2016 at 9:00 a.m.

November 14, 2016 at 9:00 a.m.

December 6, 2016 at 10:00 a.m. - Inaugural County Council Meeting.

December 12, 2016 at 9:00 a.m.

MOTION #LD-2016-28

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

"**THAT**, the November 14, 2016 Land Division Committee meeting be changed to November 21, 2016."

ADOPTED

14. ADJOURNMENT
MOTION #LD-2016-29

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

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

ADOPTED

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

Mary Kirkham
Secretary-Treasurer



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Patrick Cordick

Hearing Date: July 12, 2016

Agent: ZanderPlan Inc.

LDC File #: B16/014 to B16/018

Municipality: Township of Drummond / North Elmsley

Geographic Township: Drummond

Lot: 23/24

Conc.: 9

Roll No.: 0919 919 025 40900

Consent Type: 5 new lots

Purpose and Effect:

To sever 5 new lots, ranging from 1.707-ha to 2.436-ha and retain an 18.89-ha residential landholding. The lands are accessed via Ebb's Bay Road and Rothwell Park Road.

DETAILS OF PROPOSAL	B16/014	B16/015	B16/016
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential
Area	2.249-ha	1.723-ha	1.70-ha
Frontage	242.49 m	115.0 m	105.0 m
Depth	11.0 m	110.0 m	162.0 m
Road - Access to	Municipal	Municipal	Municipal
Water Supply	Proposed Well	Proposed Well	Proposed Well
Sewage Disposal	Proposed Septic	Proposed Septic	Proposed Septic
Zoning By-law Category	Rural	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha	0.4-ha
-Compliance?	Yes	Yes	Yes
-Frontage (minimum)	45 m	45 m	45 m
-Compliance?	Yes	Yes	Yes
DETAILS OF PROPOSAL	B16/017	B16/018	Retained
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential
Area	1.73-ha	2.43-ha	18.9-ha
Frontage	106.0 m	106.9 m	398 m +/-
Depth	236.3 m	60.0 m	478.7 m
Road - Access to	Municipal	Municipal	Municipal
Water Supply	Proposed Well	Proposed Well	Private Well
Sewage Disposal	Proposed Septic	Proposed Septic	Septic System
Zoning By-law Category	Rural	Rural	Rural
-Area (minimum)	0.4-ha	0.4-ha	0.4-ha
-Compliance?	Yes	Yes	Yes
-Frontage (minimum)	45 m	45 m	45 m
-Compliance?	Yes	Yes	Yes

Official Plan Designation: Rural

Conformity: Yes

(a) APPLICATION REVIEW

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural settlement areas, rural lands, primate agricultural areas, natural heritage features and areas, and other resource areas.

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

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 – 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 3 General Provisions, Section 3.13 Natural Heritage, Section 3.16 Rural Character, Section 4.3 Rural, Section 4.6 Wetland, Section 5.3 Local Roads, Section 5.5 Private Roads, Section 6.3 Division of Land.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report -

Thank you for circulating the Township of Drummond/North Elmsley on this application.

Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law.

As indicated, the applicant seeks permission to sever five new residential lots of varying sizes (between 1.7 and 2.4 ha) from a larger landholding north of Mississippi Lake, retaining an 18.89 ha parcel that is mostly wooded. The proposed lots are to be concentrated at the north end of the property, near the intersection of Ebbs Bay Road and Rothwell Park Road, both of which are owned and maintained by the municipality. Three of the lots (B 16/014-016) front on Ebbs Bay Road with the other two fronting on Rothwell Park Road. While the Township's Official Plan generally allows a maximum of three lots to be created from an area of land as it existed in 1979, the Plan allows consideration of additional severances where the lot of record fronts on more than one public road. This particular property has historic frontage on three roads, with previous severances taken from Concession 9B and Rothwell Park Road. This application relies on an interpretation of the policy that contemplates three severances per road frontage. In doing so, these severances would maximize the consents available on this area

of land and any future development could only proceed by plan of subdivision. It is understood that the applications currently being considered are re-submissions of a proposal earlier in the spring, which originally requested the five lots scattered throughout the property. The proposal was revised based on the advice of the Hans Von Rosen, the biologist retained to evaluate natural heritage features of the site. The revision was done to minimize the fragmentation of the most sensitive habitat areas.

Policy Review

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the new Provincial Policy Statement. Staff reviewed this application against the policies of the Township's Official Plan and note the following:

- **Sec. 4.3 (Rural Designation):** This Section is supportive of "limited" residential development provided that it is appropriate and compatible in its rural setting. The Cordick property is located in a densely wooded area of the Township. While the property itself abuts densely developed waterfront neighbourhoods along Cooke's Shore and Rothwell Park, the proposed severances are well to the north and do not functionally relate to those areas. Instead, the landscape consists of rolling hills, rock outcrops, woodlands and wetlands, with very little residential development nearby. Section 6.3.2.3 of the Plan supports lot creation where "natural landscape features prevent extensive views of development" and that policy would apply here given the size of the lots and the limited ecological function of the woodlands at this location (as referenced below). The policy also supports the retention of existing vegetation and terrain features as much as possible. With this in mind, staff are of the view that the revised application directing development to the area near the intersection of Ebbs Bay and Rothwell Park is compatible and consistent with this rural context, provided that the conditions referenced in this report are implemented through any consent approval.
- **Sec. 3.13.3 (Natural Heritage Features):** Potentially significant woodlands are identified on the majority of the Cordick landholding and adjacent lands, with the exception of unevaluated wetlands in between them. This section does not allow development within or adjacent these woodland features unless there will be no negative impacts on the natural features for which the areas are considered significant. In accordance with the Plan, an EIS was prepared to evaluate the original application, with an addendum submitted to review the revision. The woodlands were found to be "significant" based on their overall size and also based on their functional relationship with the unevaluated wetlands on what is now the retained lands and their collective role as a connecting link between nearby features. The revisions concentrated development in the less sensitive northern corner of the property, thus "leaving a central corridor in the retained portion to provide a connecting corridor between designated Natural Heritage Areas." (Von Rosen, April 19th Addendum). The report did however identify the strong potential for Blanding's Turtle (threatened species) habitat, particularly on the 816/016 and B16/018 lots. Where this potential is identified, the Plan (Sec. 3.13.3.2) and PPS require further assessment to determine the presence or absence of the species and if any mitigation is required. While this further review

can be considered as a condition of severance approval, staff suggest that the applicants and Land Division Committee consider deferring approval of those two lots, given the seasonal nature of the investigative work and the one year time frame to complete the conditions of severance, which may include conditions relating to this species. Some general best practice recommendations were also included in the EIS and Addendum, as well as in the Mississippi Valley Conservation Authority review of the application in order to best protect the natural landscape of the area. These can be implemented in a development agreement binding on all future owners and implemented at the time of eventual construction.

- Sec. 3.10.3 (Natural Hazards): The unclassified wetlands identified on the subject lands would be considered natural hazards. Accordingly development should be directed away from that feature.
- Sec. 5.3 (Local Roads): Ebbs Bay Road and Rothwell Park Road are Township owned and maintained roads intended to serve a low amount of traffic that has its origin or destination on the road. Road widening dedications are required if the surveyed width of the allowance is less than 20 m. It is not felt that the introduction of five new residences in this area will have a significant impact on municipal infrastructure. Given the topography of the site, driveway locations would need to be carefully determined in consultation with the Township's Public Works department.

Like all development in the rural portion of the Township, the proposed lots would be privately serviced with well and septic systems. The lot sizes being considered are large which should allow for adequate separation of wells and septic systems. Given the size and spacing of these lots, there is no municipal requirement for a hydrogeological study to justify these severance applications. The Committee could consider, in areas where there are multiple lots being proposed, whether the drilling of a test well as a condition of severance approval is appropriate to confirm the suitability of the groundwater supply.

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

Conclusion and Recommendation

In conclusion and for the reasons outlined above, staff are of the view that Consent Applications B16/014, B16/015 and B16/017 are supportable as submitted in terms of compliance with the Township's planning policies and as such the Township does not object to their approval. With respect to B16/016 and B16/018, staff suggest as a best practice and for the benefit of the applicants, that the habitat and potential presence of Blanding's Turtle be clarified prior to lot creation. Staff will not object to the approval of these applications however, provided the following site specific condition is implemented.

Township of Drummond / North Elmsley - 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, in both digital and paper format.
- 3) The applicant shall confirm that residential entrances are viable for the severed lots. The applicant shall consult directly with the Township in this regard.
- 4) The Applicant shall obtain Civic Address Numbers from the Township of Drummond/North Elmsley for the severed lots. The applicant shall consult directly with the Township in this regard.
- 5) The applicant shall enter into a development agreement with the Township for the severed and retained lots in order to:
 - o recognize and implement the findings and recommendations of the Environmental Impact Statement and Addendum prepared by Pinegrove Biotechnical dated April 2 and 19, 2016; and
 - o implement the natural heritage recommendations contained in the report of the Mississippi Valley Conservation Authority dated June 15, 2016.
- 6) B16/016 and B16/018 Only: The applicant shall undertake the appropriate assessments for Blanding's Turtles and if necessary, implement any required conditions (in consultation with the Ministry of Natural Resources and Forestry) to minimize impacts on habitat or species in accordance with PPS policies.
- 7) Sufficient land for road widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

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

PROPOSAL

It is our understanding that the purpose of the subject applications is to sever (5) vacant parcels of land as new residential lots, ranging in area from 4.26 ac to 6.02 ac. The retained land is vacant with a resulting area of 46.72 ac.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drone Imagery, an unclassified wetland exists on the retained lands. The headwaters of an unnamed watercourse flow

through this wetland. No natural heritage features or natural hazards were identified on the severed lands.

REVIEW

Natural Heritage Features

Unclassified Wetland

We understand that the aforementioned wetland has not been evaluated by the Ministry of Natural Resources and Forestry; therefore, it is not currently deemed to be 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).

With the above in consideration, a 30 m development setback from any wetland is generally recommended.

Watercourse

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the PPS, a minimum development setback of 30 m is recommended from watercourses.

Discussion

Sufficient area appears to exist on the retained lands for future development that complies with the recommended setbacks from the wetland and watercourse. No natural heritage features or natural hazards were identified on the severed lands.

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, development should be directed outside of these areas unless support by acceptable engineering techniques.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVCA does not have any objection to the subject applications provided the following is implemented on the proposed retained lands:

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

NOTES

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

Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the unnamed watercourse.

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

B16/014 – A 5.56 acre vacant parcel of wooded land with areas of rock outcroppings. Slope, drainage and soil depth variable. Recommendation – Additional sandy loam fill will be required to construct future septic system (tile Bed).

B16/015 – A 4.26 acre vacant parcel of land consisting of bush land and with area of rock outcropping. Slope, drainage and soil depth variable. – Recommendation – additional sandy loam fill will be required to construct future septic system (tile bed).

B16/016 – A 4.2 acre parcel of vacant land consisting of bush land. Slope, drainage and soil depth variable. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

B16/017 – Approximately a 4.28 acre vacant parcel of land. Slope, drainage and soil depth variable. Recommendation – additional sandy loam fill will be required to construct future septic system (tile bed).

B16/018 – Approximately 6.02 acre vacant parcel of land consisting of bush land. Slope, drainage and soil depth variable. Recommendation – additional sandy loam fill will be required to construct future septic system (tile bed).

Retained lands – A 46.72 acre vacant parcel of land consisting of bush land and some areas subject to seasonal high water table (swampy area). Drainable slope and soil depths variable. Recommendation – additional sandy loam fill will be required to construct future septic system (tile bed).

Hydro One Networks – No comments were received.

Bell Canada R-O-W

Subsequent to review by our local Engineering department, it has been determined that Bell Canada has no concerns or objections with the 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 five (5) residential building lots ranging from 1.7-ha to 2.43-ha and to retain an 18.9-ha landholding. All lots are currently vacant. Seven (7) previous applications for lot additions were undertaken earlier in 2016.

The original landholding was the subject of two previous consent applications (in 2014) for new lots – 1 via Drummond Con 9B and 1 via Rothwell Park Road. New consent creation policies in the D/NE Official Plan permits additional consents where lands abut two or more municipal roads.

The subject lands are located in an area characterized by typical seasonal and lake orientated residential development along the shore of Mississippi lake and large landholding along Ebb's Bay Road. Large landholdings occur along Ebb's Bay Road.

Access

B16/014, 015 and 016 are to be accessed off Ebb's Bay Road; B16/017 and B16/018 are to be accessed off Rothwell Park Road, the retained lands will access Ebb's Bay Road.

Soils Inventory

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

Bedrock Inventory – conglomerate, wacko.

Water Supply

Section 3.18.2 of the Drummond / North Elmsley Official Plan, states "*Individual on-site sewage and water services shall be used for a new development of five or less lots or private residence where municipal or communal services are not proposed and where site conditions are suitable for the long term provision of such services.*" Given that there are a total of 5 lots within proximity to the proposed lots, as well as a plan of subdivision, consideration should be given to demonstrate that adequate and potable water is available to supply the new five lot development. It is recommended that either a well be constructed or that a hydrogeological evaluation be undertaken to address the suitability of the lands for on-site water services.

Habitat and Endangered Species

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

However, an EIS was undertaken which identified possible Blanding's Turtle habitat on B16/016 and B16/018. The Committee has two options – defer B16/016 and B16/018, pending completion of a Blanding's Turtle Survey, or approve

B16/016 and B16/018 with a condition that a Blanding's Turtle survey be undertaken. In either circumstance, the outcome of the survey will determine whether or not habitat is present and the mitigation measures required to prevent habitat loss.

The EIS also required mitigation measures be undertaken for lots B16/014, B16/015 and B16/017 – these include: geo-textile silt screens prior to commencing earth works, no surface alteration around sites for basking or egg laying turtles,, best management practices be utilized during construction phase, that soil exposed during construction will be re-seeded to a grass and clover mixture. These mitigation measures should be included in a 'Development Agreement" or 'Site Plan Agreement".

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Drummond / North Elmsley Official Plan Polices for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.
- 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 Drummond / North Elmsley.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed 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 Drummond / North Elmsley and could be given favourable consideration.

(e) MINUTES – July 12, 2016

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

Ms. Zander provided a brief overview of the revisions and changes that have been undertaken since the applications were first submitted. Further to receipt of the Addendum to the EIS prepared by Pinegrove Biotechnical, additional revisions were made to the lot layout to ensure that all lots, in particular B16/016 and B16/018 to ensure that the building envelope would be outside the 120 m influence area from the adjacent wetland. Also noting that in the EIS addendum, that for B16/016 and B16/018 possible turtle habitat appeared to be adjacent to the wetland and wetland fringe.

In addition, Mr. Cordick agreed to enter into a development agreement or site plan agreement with the Township to define the siting of the dwelling and outbuildings on B16/016, as well as implement the recommendations of the EIS.

Mr. Cordick also agreed to construct a well on one of the lots to address the issue of quality and quantity of water to sustain the development.

Committee reviewed the staff report and draft conditions, making the necessary revisions / amendments to recognize the newest lot layout.

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B16/016

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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented dated 12-07-2016.
4. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the mitigation measures outlined in the EIS prepared by Pinegrove Biotechnical dated April 2, 2016 and April 19, 2016, to define a building envelope on B16/016 and to implement the natural heritage recommendations contained in the report of the Mississippi Valley Conservation Authority dated June 15, 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.
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 Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. THAT the Owner(s) provide certification of the following to the Lanark County Land Division and the Township of Drummond / North Elmsley:
 - a) That a well has been constructed in accordance with the Ministry of

Environment and Climate Change requirements on any one of the lots being created through Consent Applications B16/014 through B16/018;

- b) That the quality of the water meets the Ministry of Environment and Climate Change Regulations, Standards, Guidelines and Objectives;
- c) That the quantity of water meets the Ministry of Environment and Climate Change requirements;

The certification must be prepared by a qualified Professional Engineer, or Professional Geoscientist and it is the Owner's /Applicants responsibility to coordinate the company/person drilling the well and the professional noted herein in order to properly satisfy this condition.

- 11. A letter shall be received from the Mississippi Valley Conservation Authority stating that condition #4 has been fulfilled to their satisfaction.
- 12. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

- 1. *The Mississippi Valley Conservation Authority advises that the following should be implemented on the proposed retained lands:*
 - a. *Future development, including a septic system shall be setback a minimum of 30 m from the watercourse and wetland.*
 - b. *The shoreline vegetation surrounding the wetland and watercourse 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 wetland, watercourse or onto adjacent properties.*
 - d. *Future development shall be directed away from wetland areas consisting of organic soils.*
 - e. *The wetland shall remain undisturbed.*
- 2. *Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the unnamed watercourse.*
- 3. *The LGL Health Unit advises that additional sandy loam fill will be required to construct future septic system (tile bed) on the severed and retained lands.*
- 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.

B16/014, B16/015, B16/017 and B16/018

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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" presented dated 12-07-2016.
4. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Drummond / North Elmsley. The wording of the agreement shall be acceptable to the Municipality and shall address the mitigation measures outlined in the EIS prepared by Pinegrove Biotechnical dated April 2, 2016 and April 19, 2016, and to implement the natural heritage recommendations contained in the report of the Mississippi Valley Conservation Authority dated June 15, 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.
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 Drummond / North Elmsley.
6. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.

7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley. The applicant shall consult directly with the Township in this regard.
9. Sufficient land for Road Widening purposes shall be deeded to the Township of Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. THAT the Owner(s) provide certification of the following to the Lanark County Land Division and the Township of Drummond / North Elmsley:
 - a) That a well has been constructed in accordance with the Ministry of Environment and Climate Change requirements on any one of the lots being created through Consent Applications B16/014 through B16/018;
 - b) That the quality of the water meets the Ministry of Environment and Climate Change Regulations, Standards, Guidelines and Objectives;
 - c) That the quantity of water meets the Ministry of Environment and Climate Change requirements;

The certification must be prepared by a qualified Professional Engineer, or Professional Geoscientist and it is the Owner's /Applicants responsibility to coordinate the company/person drilling the well and the professional noted herein in order to properly satisfy this condition.
11. A letter shall be received from the Mississippi Valley Conservation Authority stating that condition #4 has been fulfilled to their satisfaction.
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NOTES

1. *The Mississippi Valley Conservation Authority advises that the following should be implemented on the proposed retained lands:*
 - a. *Future development, including a septic system shall be setback a minimum of 30 m from the watercourse and wetland.*
 - b. *The shoreline vegetation surrounding the wetland and watercourse 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 wetland, watercourse or onto adjacent properties.*
 - d. *Future development shall be directed away from wetland areas consisting of organic soils.*
 - e. *The wetland shall remain undisturbed.*

2. Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the unnamed watercourse.
3. The LGL Health Unit advises that additional sandy loam fill will be required to construct future septic system (tile bed) on the severed and retained lands.
4. The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.
5. Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Jean C & Anne L Picard

Hearing Date: July 12, 2016

Applicant: Jean & Anne Picard

LDC File #: B16/029

Municipality: Municipality of Mississippi Mills

Geographic Township: Ramsay

Lot: 20

Conc.: 2

Roll No.: 0931 929 015 07901

Consent Type: New lot

Purpose and Effect:

To sever a 3.9-ha residential building lot with access to Ramsay Con 3B and retain a 51.0-ha landholding with an existing dwelling and garage located at 2341 Ramsay Conc. 3B.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	3.9-ha	51.0-ha
Frontage	214 m	792.4 m
Depth	88.3 m	657 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic system	Septic System
Zoning By-law Category	Rural	Rural
-Area (minimum)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	Yes	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 4.3.4 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 Basis of Plan, Section 3.3 Rural Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land.

The Municipality of Mississippi Mills advises that the proposal conforms to the policies of the Community Official Plan.

Zoning By-law Section 6 General Provisions, Section 12 Rural Zone,
The Municipality of Mississippi Mills advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Municipal Planner's Report -**PURPOSE & EFFECT OF APPLICATION**

The Applicants have submitted a Consent application to the County of Lanark requesting to sever a ±3.9ha (9.64ac) rural residential building lot from the above noted property and retain a ±51.0ha (126ac) rural residential lot containing a detached dwelling and a detached garage.

The proposed severed lot would have a frontage of ±182.9m (600ft) along Clayton Road and ±213.4m (700ft) along Ramsay Concession 3B, while the proposed retained lot would maintain ±505.47m (1,658.37ft) of frontage along Ramsay Concession 3B. Sketches of the proposed lots are contained within the Appendix to this report.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject lands are located on the southwest corner of Clayton Road and Ramsay Concession 3B and in the Ward of Ramsay. The lands are ±54.9ha (135.64ac) in size with a frontage of ±182.9m (600ft) along Clayton Road and ±718.87m (2,358.37ft) along Ramsay Concession 3B.

The lands are occupied by a detached dwelling and a detached garage, both of which will remain on the proposed retained lot. The lands are generally surrounded by rural and rural residential properties and are occupied by ponds, unevaluated wetlands and two (2) creeks.

SERVICING & INFRASTRUCTURE

The subject lands are serviced by private well and septic services and have driveway access from Ramsay Concession 3B, a municipally owned and maintained public road. The proposed severed lot would also be serviced by private well and septic services. Due to the presence of the creek/wetland along the frontage of the proposed severed parcel, the Mississippi Valley Conservation Authority (MVCA) has stated that the proposed driveway entrance must be located along Ramsay Concession 3B. While the driveway entrance location is not indicated on the Applicants' Severance Sketch, the Applicants have said that they have no objection to the proposed driveway being accessed from Ramsay Concession 3B. As such, a condition of Consent approval is that the Applicants obtain a civic address number and residential entrance permit from Ramsay Concession 3B for the proposed severed parcel.

EVALUATION OF THE APPLICATION**PLANNING ACT, R.S.O 1990**

Section 51 (24) of the Act sets out the following criteria to consider when reviewing an application to subdivide land.

PROVINCIAL POLICY STATEMENT (PPS), 2014

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

policies: 1. 1.5 Rural Lands in Municipalities, 1.1.5.2 On rural lands located in municipalities, permitted uses are: c) limited residential development, 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Staff notes that the addition of one (1) rural residential building lot would be considered "limited residential development", and that such development would be compatible with the rural character of the surrounding area. The proposed retained and severed lots would be serviced by private well and septic services. Due to the distance from existing public services, municipal water and sewage services are neither existing nor planned for this area and private services are considered to be suitable for the proposed development of the subject property.

1. 1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae. With respect to complying with minimum distance separation (MDS) requirements, the Applicants have noted that there are no livestock facilities located within 50 Om (1,640ft) of the subject property. Based on the above analysis, Staff is of the opinion that the proposal is consistent with the policies of the PPS.

COMMUNITY OFFICIAL PLAN

The subject lands are designated "Rural" in the Community Official Plan (COP). The Rural designation permits non-farm residential dwellings and accessory uses.

Rural Consent Policies - Section 3.3.6 of the COP provides the policies for severances and the creation of lots within the Rural designation. The following provides an analysis of the proposal against the applicable policies:

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

The subject property does not appear to have had any previous severances since July 1, 1973.

3.3.6.5 - A rural non-farm residential severance must be consistent with the following policies: (i) The access point of the driveway onto the public road must be located so that no safety hazards are created. A severance shall be permitted only where the centre of the driveway shall be 150 metres from immediate neighbouring driveways on the same side of the road. Council may reduce the 150 metre requirement where soil conditions, topography, safety, sight lines or other sound planning considerations suggest that a lesser distance would be appropriate.

As the entire frontage of the proposed severed lot would be located approximately 300 metres (984.25ft) from the existing entrance to the proposed retained lot (2341 Ramsay Concession 3B), the 150m separation requirement between rural driveways would be maintained.

(ii) There is a demonstrated capacity for the lot to support the proposed

development on private services. As the severed lot would be ±3.9ha (9.64ac) in size and the retained lot would be ±51.0ha (126ac), there would appear to be sufficient area to accommodate the required on-site private services. The Applicants will be required to receive necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

(iii) The lot has frontage on a maintained public road of acceptable standard to support year round maintenance and emergency vehicle access. Direct access onto a County Road or Provincial Highway shall be discouraged. The retained lot would have frontage onto Ramsay Concession 3B, while the severed lot would also have frontage onto Clayton Road. These are municipally owned and maintained public roads.

(iv) Each lot must be at least one hectare. Council may require larger lots when site conditions warrant an increase in lot size. The minimum lot size shall not include lands within the "Flood Plain" designation. As noted, the severed lot would be ±3.9ha (9.64ac) in size and the retained lot would be ±51.0ha (126ac). The proposed lots do not contain the Flood Plain designation.

(v) The creation of non-farm lots adjacent to an active agricultural operation within the Rural designation shall ensure that there is an appropriate building envelope outside of the 30 metre setback from lands which are being utilized as part of an active agricultural operation. There are no lands being utilized as part of an active agricultural operation within 30 metres of the subject property.

(vi) The placement of a rural residential severance must avoid having an adverse impact on significant landscape features, significant vegetation, wildlife habitats or other significant natural resources on the property. The proposed severed lot would be occupied by a creek/wetland along the frontage of the property and a second creek that flows across the southeast corner farther down Ramsay Concession 3B. The MVCA has stated they have no objection to the application provided appropriate setbacks to these features are maintained. As there appears to be ample area to accommodate the proposed development while maintaining these setbacks, there does not appear to be any foreseeable impacts to these natural features.

Based on the above analysis, Staff views the proposal to meet the relevant policies of the COP.

ZONING BY-LAW #11-83

The subject property is zoned "Rural (RU)" by the Municipality's Comprehensive Zoning By-law

#11-83. As noted, the proposed retained parcel is occupied by an existing detached dwelling and the proposed severed parcel would be occupied by a new detached dwelling. As such, the parcels would be considered non-farm residential lots for zoning purposes. The following table outlines the minimum lot area and lot frontage requirements of the RU Zone for a non-farm residential lot against the dimensions of the proposed lots:

Table 1: RU Zone Development Standards vs. Proposed Lot Dimensions

Zoning By-law	By-law Requirement	Severed Lot	Retained Lot
Area	1.0-ha	3.9-ha	51.0-ha
Frontage	45 m	182.9 m	505.47

As noted in the above table, the proposed severed and retained lots exceed the minimum lot area and lot frontage requirements for non-farm residential lots located within the RU Zone.

CONCLUSION

Overall, Staff views the proposal to be a desirable and logical form of development. The proposed Consent application is compatible with the rural character of the surrounding area and can be sustained by rural service levels. Furthermore, Staff views the proposal to conform to the Rural Consent policies of the Community Official Plan, consistent with the PPS, and satisfies the development standards of Zoning By-law #11-83.

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

1. That the Owners pay any outstanding property taxes on the subject property;
2. That cash-in-lieu of parkland be paid in accordance with the Municipality's Cash-In-Lieu of Parkland/Parkland Conveyance By-law;
3. Road Widening: Sufficient lands shall be deeded to "The Corporation of the Municipality of Mississippi Mills" along the frontage of the severed and retained lots so that the road and ditch line in front of both lots would be on municipal property, at no cost to the Municipality. This would need to be confirmed through a legal survey along the frontage of Ramsay Concession 3B;
4. That the Applicants obtain a civic address number and residential entrance permit from Ramsay Concession 3B for the severed lot;
5. That the Applicants provide two (2) copies of the registered reference plan to the Municipality; and,
6. That the Applicants provide digital copies of the registered reference plan in .DWG and .PDF file formats to the Municipality.

Conservation Authority – Mississippi Valley Conservation Authority

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property.

These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring 3.9 ha, and retain a developed lot measuring 51 ha.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, a tributary of the Indian River flows through the eastern section of the retained lands and continues north through the southeast corner of the severed lands. A branch of this tributary flows through the northern section of the severed lands. On the retained lands, another branch of this tributary flows through an unclassified wetland and into an unnamed waterbody, also located on the retained lands. In addition, as observed during a site visit conducted by MVCA in May 2016, a wetland, in the form of a treed swamp, occupies the frontage of the proposed severed lands along Clayton Rd, to a depth of approximately 70 m measured inland from the road.

REVIEW

Natural Heritage Values - Wetland

We understand that the aforementioned wetlands have not been evaluated by the Ministry of Natural Resources; therefore, they are not currently deemed to be 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).

With the above in consideration, a 30 m development setback from any wetland is generally recommended. Given the predominance of wetland along the Clayton Rd. frontage of the severed lands, we recommend access to these lands via Ramsay Con 3B, rather than Clayton Rd.

Watercourses

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the PPS, a minimum 30 m development setback is recommended from any watercourse. Sufficient area appears to exist on the severed lands for future development that complies with the recommended setbacks from the watercourses.

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

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, development should be directed outside of these areas unless support by acceptable engineering techniques.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objections to the subject application provided the following is implemented on the proposed severed lands:

1. Future development, including a septic system shall be setback a minimum of 30 m from the watercourses and wetland. Access to the property should be via

Ramsay Con 3B.

2. The shoreline vegetation surrounding the wetland and watercourses shall be retained to a minimum depth of 15 m.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, watercourses or onto adjacent properties.
4. Future development shall be directed away from wetland areas consisting of organic soils.
5. The wetland shall remain undisturbed.

NOTES

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

The wetland on the retained lands should remain undisturbed. And, shoreline vegetation surrounding the wetland should be retained to a minimum depth of 15 m. The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to any alterations to the shoreline of the unnamed watercourses and waterbody.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the wetlands, unnamed watercourses or waterbody, 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 – 1 9.64 acre parcel of land that is vacant/ Land has low wet area nearest Clayton Road. Land is undulating with outcrops of rock. There is a small creek running through property. There is area to support a leaching bed on this property providing imported sand provided. Recommendation – additional sandy loam fill will be required in the area of the leaching bed.

Retain Lands – a 126 acre parcel of land with an existing house serviced by a well and septic system. There is a garage on the property. Recommendation – additional sandy loam fill will be required in the area of the replacement leaching bed.

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

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

The applicant proposes to sever a 3.9-ha residential building lot and retain a 51.0-ha landholding with an existing dwelling and garage located at 2341 Ramsay Con 3B.

The lands are accessed via Ramsay Con 3B, a municipally 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.

Endangered Species

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

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3 Woodlands
The area has 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 Municipality of Mississippi Mills.

Zoning

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

Conclusion

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

No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Municipality'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 Municipality of Mississippi Mills and could be given favourable consideration.

(e) MINUTES – July 12, 2016

No persons attended the hearing

Committee reviewed the staff report and draft conditions.

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 Municipality of Mississippi Mills.
4. The applicant shall provide the Municipality of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG and pdf. file format to the Municipality of Mississippi Mills.
6. Payment shall be made to the Municipality of Mississippi Mills 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 obtain a residential entrance to the subject lot. The applicant shall consult directly with the Municipality of Mississippi Mills in this regard.
8. The applicant shall obtain a Civic Address Number from the Municipality of Mississippi Mills. The applicant shall consult directly with the Municipality in this regard.
9. Sufficient land for Road Widening purposes along the frontage of the severed and retained lots to be deeded to the Municipality of Mississippi Mills by registered deed, to meet the municipality's road widening requirements, at no cost to the Municipality. 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 Municipalities Road 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 Municipality of Mississippi Mills stating that condition #3 through #9 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that the following should be implemented on the severed lands:*
 - a. *Future development, including a septic system shall be setback a minimum of 30 m from the watercourses and wetland. Access to the property should be via Ramsay Con 3B.*
 - b. *The shoreline vegetation surrounding the wetland and watercourses 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 wetland, watercourses or onto adjacent properties.*
 - d. *Future development shall be directed away from wetland areas consisting of organic soils.*
 - e. *The wetland shall remain undisturbed.*
2. *The MVCA also advise that the wetland on the retained lands should remain undisturbed. And, shoreline vegetation surrounding the wetland should be retained*

to a minimum depth of 15 m. The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to any alterations to the shoreline of the unnamed watercourses and waterbody.

3. *Consultation with Fisheries and Oceans Canada (DFO)*
fisheriesprotection@dfompo.gc.ca prior to conducting any work within the wetlands, unnamed watercourses or waterbody, 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 loam fill will be required in the area of the leaching bed on the severed lands and in the future replacement leaching bed area on the retained lands.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources 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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Alfred Von Mirbach

Hearing Date: July 12, 2016

Agent: ZanderPlan Inc.

LDC File #: B16/035

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 7-9

Conc.: 5

Roll No.: 0911 911 025 14000 &

Consent Type: New lot

0911 911 025 15000

Purpose and Effect:

To sever a 13.3-ha residential building lot together with an easement / r-o-w for access and retain a 40.4-ha landholding. Lands are accessed via a private r-o-w from Elm Grove Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	13.3-ha	40.4-ha
Frontage	79.8 m	1179 m
Water Frontage	526 m	44.1 m
Depth	263 m	559 m
Road - Access to	Private	Private
Water Supply	Proposed well	Proposed well
Sewage Disposal	Proposed Septic	Proposed Septic
Zoning By-law Category	Rural	Rural
-Area (minimum)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes

Official Plan Designation: Rural with overlays for Abandoned Mine Hazard and Deer Yard

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.

2.4 Minerals and Petroleum

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

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

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

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

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- c) hazardous sites.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

Local Official Plan – Section 2 General Development Policies, Section 2.17 Public Road Access, Section 2.18 Land Use Compatibility and Influence Areas, Section 2.19 Archaeological Resources, 2.20 & 21 Natural and Human-made Hazards, Section 2.22 Natural Heritage Features, section 2.23 Water Supply and Sewage Disposal, Section 2.24.1 Waterfront Development, Section 3.6 Rural, Section 4.3 County Roads, Section 4.5 Private Roads, Section 5.2 Land Division. Tay Valley Township advises that the proposal conforms with the designations and policies of the Official Plan.

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

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

(b) AGENCY REVIEW

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

Township Planner's Report -

BACKGROUND

The proposal is to sever a 13,32 ha parcel to create a vacant building lot. The retained parcel is 40.48 ha currently being developed with a dwelling and sewage system, There is a simultaneous application for closing of an unopened road allowance that affects the severed parcel.

DISCUSSION

Consistent with Provincial Policy Statement Yes

Conforms to Official Plan Yes

Complies with Zoning By-Law Yes

Recommend consent for this application Yes

Recommended Conditions

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

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural, Provincially Significant Wetlands, Significant Wildlife Habitat.

The previous owner had an Environmental Impact Study (EIS) undertaken as part of the background information for a severance completed two years ago. That EIS was updated in 2016 for the Site Plan Control Agreement application for the proposed retained parcel as well as for the proposed severance of a new parcel. No further requirements were added as a result of the update.

ZONING BY-LAW

The parcel is zoned Rural. The proposed severed and retained parcels both have sufficient frontage on a public road (Elmgrove Road) at 79 m and 1,179m respectively and at 13 ha and 40 ha are both larger than required lot size of 1 ha.

Rideau Valley Conservation Authority comments are not available at the time of the report. (May have screened out the application given the recent update to the EIS.)

Mississippi Rideau Septic System Office (MRSSO) has no objections to the severance as proposed.

CONCLUSION

The Planner recommends that consent be granted to this application, subject to the conditions and advisory notes listed in the Staff Recommendation section below.

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.
4. That, payment \$200.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands.

Conservation Authority – Rideau Valley Conservation Authority
None received.

Septic Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted May 3, 2016.

The applicant proposes to sever a 13.32151 hectare parcel from the NE portion of the retained parcel to create a new lot. The proposed parcel is vacant. The topography is rolling with exposed rock, valley's, pockets of trapped water and well treed. A Provincially Significant Wetland (PSW) is located on the Northern portion of the proposed lot. No test pits were provided.

The retained parcel is 40.47985 hectares. The property owner has an approval for a Class 4 Filter Media sewage system for the retained lot. It will be developed with a dwelling and sewage system. The topography and characteristics of the retained are very similar to the proposed. No test pits were provided.

The new lot as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from a surface water body, on either lot.

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

County Public Works

Lands to be severed and retained to gain access from private road known as Tully's Way.

Standard conditions relating to road widening, road closing, approvals and documentation to apply.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

Subsequent to review by our local Engineering Department it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing aerial facilities, supply services to the properties and to maintain service in the area.

Bell Canada would like to confirm that the identified line or a 3m wide (1.5m on either side) strip along said line as can be accommodated would satisfy our needs.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction will be the responsibility of the owner.

(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 13.3- ha residential building lot together with an easement over Tully's Way and retain a 40.5-ha vacant landholding. Several consents applications have taken place on these lands – 1997 – to confirm the R-O-W, 2012 – two new lots and 3 lot additions. This will be the 3rd new lot on the lands which is the maximum allowed in the Township's Official Plan.

The subject lands are located in an area characterized by typical water orientated development along the shore of Long Lake, with large landholdings between the lake and Elm Grove Road. A plan of subdivision is located on the south side of Elm Grove Road.

The lands are accessed via Tully's Way a private road which intersects with Elm Grove Road, a County maintained road.

Bedrock Inventory – conglomerate

Soils - monteagle

An Environmental Impact Statement was undertaken by McIntosh Perry Consulting in 2012 and updated in January 2016. The report confirmed the presence of a deer yard, and potential habitat for several species of concern. The EIS recommended several mitigation measures and timing windows for development to reduce impacts to significant wildlife habitat, migratory birds and species at risk, summarized as follows:

- Retention of natural vegetation;
- No removal of woody vegetation between May 20 and Aug 15
- Retention of butternut trees;
- Consultation with MNR.

Which could be undertaken through either a development agreement or by site plan control.

The "Watershed Watch Report" was undertaken on Long Lake in 2002. The report was able to conduct a comparison between water quality conditions as they existed in 2002, and the results obtained through the years since 1980. The sampling indicates that Long Lake has a moderate concentration of nutrients. Some algae blooms and minor weed growth in sheltered bays and shallow areas were noted. Best management practices are very important in existing and new development of properties around the lake to avoid accelerating the aging process.

The lake report does not indicate testing for invasive species, in particular, zebra mussels and spiny water flea. However, as these invasive species have been detected in adjacent lakes, residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. Precautions need to be taken to avoid the spread of invasive species from other lakes.

Deer Yard

The subject property is located within an identified '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 (Long Lake) and therefore are subject to archaeological potential.

Mining

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

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:

Blanding's Turtle – THR
Gray Ratsnake - THR

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1991.
- 3 Woodlands
A portion of the lands are mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by Tay Valley Township.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The

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

Conclusion

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

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

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

(e) MINUTES – July 12, 2016

Chairman Strachan declared a possible pecuniary interest (adjacent landowner) and removed himself from the hearing.

Dan Murphy was appointed chairman.

Alfred Von Mirbach, owner and Tracy Zander, agent attended the hearing and gave evidence under oath.

Ms. Zander provided background information on the proposal.

Committee reviewed the staff report and draft conditions.

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
4. An appropriate easement shall be granted to Bell Canada over the lot to be severed and retained as set out in their letter of May 25, 2016. All costs associated with this transaction will be the responsibility of the applicant.
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
6. 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.
7. 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.
8. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
9. Payment shall be made to Tay Valley Township representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
10. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the recommendations contained in the Environmental Impact Study (Sept 2012 and addendum January 2016).
11. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
12. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
13. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
14. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.

15. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or Tay Valley Township, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
16. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
17. A letter shall be received from the County of Lanark Public Works Department stating that condition #12 through #16 has been fulfilled to their satisfaction.
18. A letter shall be received from Bell Canada stating that condition #4 has been fulfilled to their satisfaction.
19. A letter shall be received from Tay Valley Township stating that condition #5 through #11 (and #15 if required) has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Rideau Septic System Office advises that installation of an OBC compliant sewage system shall be greater than 30m from a surface water body.*
2. *Residents and users of Long Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
3. *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 not be removed, particularly browse and cedar trees.*
4. *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.*
5. *With regards to flood and erosion and recreational water quality protection considerations the "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06) requires the written approval of the RVCA in the future prior to straightening, changing, diverting, or interfering with the watercourses and shoreline of Pike Lake. Any new shoreline works (such as, but not limited to shoreline protection or docking/access) requires prior written approval from our office.*
6. *The applicant is encouraged to prepare a "Joint Use and Maintenance Agreement" for the construction and on-going maintenance of the private road. A copy of the agreement to be provided to the future purchasers of the lot.*
7. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine*

the rehabilitation measures to address and/or mitigate the hazard that may be required.

8. *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.*

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: Jeremy James Adam

Hearing Date: July 12, 2016

Agent: Julie Stewart

LDC File #: B16/039 and B16/040

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie

Lot: 4/5

Conc.: 9

Roll No.: 0940 004 035 08300

Consent Type: 2 new lots

Purpose and Effect:

To sever two residential lots together with an easement / r-o-w over an existing private road – B16/039 is a 1.75-ha lot with an existing dwelling and garage located at 203 Leo Jay Lane, B16/040 is a 1.4-ha lot with an existing cottage located at 229 Leo Jay Lane. The retained lands consist of a 22.3-ha lot with an existing sugar camp accessed via 9th Con A Dal.

DETAILS OF PROPOSAL	Lands to be Severed B16/039	Lands to be Severed B16/040	Retained Lands
Existing Use	Residential	Residential	Sugar Camp
Proposed Use	Residential	Residential	Sugar Camp
Area	1.75-ha	1.4-ha	22.3-ha
Frontage	100 m	100 m	600 m
Water Frontage	128 m	128 m	540 m
Depth	146 m	80 m +/-	200 m
Road - Access to	Private Road	Private Road	Municipal Rd
Water Supply	Private Well	Lake	Private Well
Sewage Disposal	Septic System	Privy	Septic System
Zoning By-law Category	Rural	Rural	Rural
-Area (minimum)	0.8-ha	0.8-ha	0.8-ha
-Compliance?	Yes	Yes	Yes
-Frontage (minimum)	60 m	60 m	60 m
-Compliance?	Yes	Yes	Yes

Official Plan Designation: Rural and Waterfront Communities

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.

2.5 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.

2.6 Cultural Heritage and Archaeology

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

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

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

3.1 Natural Hazards

Section 3.1.1 Development shall generally be directed to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, and
- c) hazardous sites.

County Official Plan –Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

Local Official Plan - Section 3.3 Rural Communities, Section 4.1 Mineral Aggregates, Section 5.0 Our Environment, Section 7.4.3 Local Roads, Section 7.4.4 Private Roads, Section 8.4.2 Consents.

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

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

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

(b) AGENCY REVIEW

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

Township Planning Report –

An application has been received from the County of Lanark Land Division Committee to sever 2 lots, together with an easement/r-o-w over an existing private road (Leo Jay Lane). B16/039 is 1.75-ha (4.32 ac.) with an existing dwelling and garage located at 203 Leo Jay Lane; B16/040 is 1.4-ha (3.45 ac.), with an existing hunt camp located at 229 Leo Jay Lane. The retained lands consist of 22.3-ha parcel with an existing dwelling and sugar camp accessed via the 9th Concession A of Dalhousie. B16/039 has private services. B16/040 has no services.

OFFICIAL PLAN

The subject lands are designated as Waterfront Communities on Schedule 'A' of the Township of Lanark Highlands' Official Plan. This designation allows for residential development on separate lots. The required minimum lot size is 0.8-ha. The proposed lots are 1.75-ha and 1.4-ha. The required minimum shoreline frontage is 60m. Each of the proposed lots has 128m of frontage. (Waterfront Communities Section 3.1.4.3).

The lands to be severed on Leo Jay Lane are within 200 m of an area with an Official Plan designation of Pit (Adam Pit, Tackaberry & Sons Construction Ltd.). Section 4.1.5, Adjacent Land, of the Official Plan sets out the following requirements for lands within 300m of a Mineral Aggregate Resource Policy Area:

4.1.5.1 In areas located within 300 metres (984 feet) of a Mineral Aggregate Resource Policy Area intended or utilized for a licensed pit operation and 500 metres (1,640 feet) from a licensed quarry operation, incompatible development, including the creation of new lots shall only be permitted subject to the following criteria:

- 1. Hydrogeological investigations conducted by a qualified professional conclusively demonstrate that the proposed non extraction development can be adequately serviced by water and sewer services in a manner which will not impede continued existing and proposed extraction operations.*
- 2. Any other investigation as required by the development approval authority such as traffic studies, noise studies, vibration studies, slope stability studies, air quality impact studies etc. are carried out and demonstrate that the proposed development can proceed without impeding the continued operation of the existing licensed operations and future operations on reserves. Such studies are to be carried out by a qualified professional.*

Each of the subject lots are within the 300m influence setback of a Mineral Aggregate Resource. B16/039 is serviced by a private well and septic. The water for B16/040 is proposed to be sourced from the lake and a permit has been applied for with the Health Unit for the construction of a septic system. The Official Plan requires that proof be presented that water and sewer services provided to the dwellings will not negatively impact the existing and future extraction operations. As such, it is staff's recommendation that a qualified professional provide the Township with appropriate documentation to satisfy the requirements of the Official Plan, Section 4.1.5.1 (1).

With respect to Section 4.1.5.1 (2), the Township received a letter from Tackaberry & Sons Construction Ltd. (attached) requesting that the applicant enter into a development agreement with the Township of Lanark Highlands, to be registered on the title of each lot, recognizing that a licensed pit exists on the adjacent lands and that all sales of the severed lots include a statement acknowledging the existence of the pit located on the adjacent lands.

OP policy 3.1.4.15: "*Archaeological assessments for all new development are required.*"

The OP states that the Provincial Policy Statement is to be used to determine the meaning of terms such as "development". The Provincial Policy Statement 2014 defines development as follows: "*Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act*".

No new construction is being proposed as each of the lots has an existing cottage or dwelling. It was noted that the building permit relating to the cottage appears to have been issued for a hunt camp and not a cottage. In view of this, staff recommends that the applicant inquire with the Ministry of Tourism, Culture and Sport to verify if an archaeological assessment is required for this application, taking into consideration that the areas are already built upon.

ZONING

The subject property is zoned Rural, which permits residential development. The subject lands have sufficient frontage, depth and area to meet the requirements of the Zoning By-law. The area that has an Official Plan designation of Pit is also zoned as pit. The areas subject to the severance applications are within the 150m influence area. This matter has been addressed in the planning rationale provided by the applicant's agent, Julie Stewart.

DISCUSSION

If approved, the proposal will result in the creation of two conveyable waterfront lots.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the Township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant provide to the Township the \$200 cash in lieu of parkland dedication fee.
5. Hydrogeological investigations conducted by a qualified professional conclusively demonstrate that the proposed non extraction development can be adequately serviced by water and sewer services in a manner which will not impede continued existing & proposed extraction operations.
6. That the applicant enter into development agreements with the Township of Lanark Highlands, to be registered on the title of each lot, recognizing that a

licensed pit exists on the adjacent lands and that all sales of the severed lots include a statement acknowledging the existence of the pit located on the adjacent lands.

7. Written verification from Ministry of Tourism, Culture and Sport to confirm if an archaeological assessment is not required.

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 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 applications is to sever (2) vacant parcels of land; B16/039 is 1.75 ha with an existing dwelling and garage, while B16/040 is 1.4 ha with an existing cottage. The retained land is 22.3 ha with an existing sugar camp.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, all resulting lots have frontage on Barbers Lake. A review of Drape Imagery also indicates that a Significant amount of the shoreline for B16/039, is clear of vegetation. No other significant natural heritage features or natural hazards were identified.

REVIEW & CONCLUSION

Both proposed severed lots are already developed with no new development proposed at this time. And suitable area appears to remain on the retained lands for potential future development, in addition to the sugar camp which currently exists, in compliance with the current standards for development adjacent to a waterbody. Therefore, we do not anticipate any impacts to natural heritage features or natural hazards as a result of the subject applications.

MVCA does not have any objection to the subject applications provided the following mitigative measures are implemented on the retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 m from the lake.
2. With the exception of a maximum clearing of 9 m for water access, shoreline vegetation shall be retained to a minimum depth of 15 m (measured inland from the lake).
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. In order to achieve this, eaves troughing shall be installed and outlet away from the lake to a leach pit or well-vegetated area to maximize infiltration.

With respect to the severed lands under B16/039, we recommend augmenting the existing shoreline vegetation with deeply rooting native plant species to a minimum

depth of 3 m (measured inland from the lake), in order to reduce the degree of shoreline clearing towards the maximum standard of 9 m.
 With the exception of a maximum clearing of 9 m, shoreline vegetation for B16/040 should be retained to a minimum depth of 15 m.

NOTES

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

Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the lake. We also advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.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

B16/039 – The property slopes steeply towards Barbers Lake. Topsoil is shallow in most areas, rocky outcrops visible from 0 - 0.5 metres of sandy loam topsoil with water frontage. Recommendation – the existing home is serviced by a septic system. There is no obvious signs of failure at this time. This lot would be large enough to accommodate a replacement system if required.

B16/040 – This lot slopes steeply towards Barkers Lake Sandy loam topsoil of varying depths from 0-0.5 metres. Rocky out-crops visible. Existing cottage with outhouse. No running water. Recommendation – this lot would be large enough to accommodate on-site sewage disposal. Imported leaching bed fill would be required to construct a conforming septic system.

Retained lands – large property mostly wooded with varying slopes and soil depths. Existing sugar camp with septic system. Recommendation – servicing this lot would not negatively impact on-site sewage disposal for the retained property.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

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

(c) **PUBLIC INPUT**

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

G Tackaberry and Sons – June 8, 2016 (note – letter sent to Lanark Highlands only)

G. Tackaberry & Sons Construction Co. Ltd. (Tackaberry) are the owners of a parcel of land located on Concession 9, Part Lot 5, Geographic Township of Dalhousie now in the Township of Lanark Highlands (Adams Pit), which is licenced under the Aggregate Resources Act (ARA) for the extraction and processing of aggregate material. The licence boundary of this site is approximately 70 meters from the proposed severances.

Tackaberry does not object to the applications for two severances being granted subject to the following condition:

“That the owners enter into a Development Agreement with the Township of Lanark Highlands to be registered on title of the lot which agreement will include provisions requiring that:

(a) that the owner (s) of the lands for himself, his heirs, administrators, successors and assigns acknowledges being advised that a licenced pit exists on lands described as Part Lots 5, Concession 9, Geographic Township of Dalhousie now in the Township of Lanark Highlands (Adams Pit).

(b) all purchase and sale agreements for the whole or any part of the lands contain the following clause:

The purchaser acknowledges being advised that a licenced pit exists on lands described as Part Lot 5, Concession 9, Geographic Township of Dalhousie now in the Township of Lanark Highlands (Adams Pit).

Please note that a representative of Tackaberry will attend the Public Meeting for the severances once scheduled.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever two residential lots, B16/039 is a 1.75-ha lot with an existing dwelling and garage, B16/040 is a 1.4-ha lot with an existing cottage. The retained lands consist of 22.27-ha with an existing sugar camp. Two previous consent were taken from the original 100 acre parcel of land in 1983 – these pre-date the Official Plan lot creation date. Another consent was created in 2003, however this lot cannot be developed as the landowner was unable to obtain well water.

The subject lands are located in an area characterized by rural / farm residential on large lots. Limited lake orientated development occurs surrounding Barber’s Lake. The effect of the consents is to separate the three distinct developments under separate ownership.

The lands are accessed via Leo Jay Lane, a private road, connecting to Highland Line, a municipally maintained road.

Soils Inventory – Name: Tweed

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

Bedrock Inventory – diorite, gabbro

Aggregate Operations

An existing operational pit / quarry (Adam's Pit) is located within proximity of the subject lands. If approved a condition should be included to advise future purchasers of the aggregate operation and the potential for noise, odours, etc.

Archaeological

The lands are located within 300 m of Primary Water Source (Barber's Lake) and therefore are subject to archaeological potential. However, both lots are currently developed and no new development is proposed at this time. An archaeological evaluation may be considered in the future when new development is proposed.

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:

Eastern Meadowlark 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. 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 rural zone requires frontage on an opened and maintained municipal road, therefore the lands will be required to be re-zoned to Limited Services Residential, to recognize

that they are accessed via a private road. The proposed lot meets the minimum lot frontage and size for LSR. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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

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

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

(e) MINUTES – July 12, 2016

Jeremy Adam, owner and Ben Dopson, representing Tackaberry & Sons Contracting attended the hearing and gave evidence under oath.

Mr. Adam confirmed that B16/040 has an existing cottage/hunt camp with no well or septic, that B16/039 has a residence with well and septic, and the retained have a sugar camp with well and septic. The private road, Leo Jay Lane, is a 66ft wide surveyed private road which will remain with the retained property. The purpose of the severances is to separate the two already existing dwellings from the sugar camp / sugar bush lands for estate planning purposes.

Mr. Dopson advised that the Adam Pit is operated on an occasional basis when sand/gravel contracts are within the area and that the licenced area is quite large. The licenced area closest to the proposed lots is poorer quality material and will not be extracted for many years, if at all.

Mr. Adam, who previously owned the pit area, confirmed that test pits were drilling in this area, and there is less than 6 to 8 feet of material over bedrock.

Mr. Dopson questioned to Townships requirement for a hydrogeological evaluation, as this is normally a requirement for a proposed new or expanding pit to undertake.

Mr. Adam re-confirmed that the two lots are already developed, and no new development is proposed.

Committee reviewed the staff report and draft conditions, revising the conditions to remove the hydrogeological requirement and adding to the wording for the development agreement "That any new development shall adhere to the requirements of the Aggregate resources act".

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B16/039 and B16/040

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. An appropriate right-of-way shall be granted to the owners of the lot to be severed over the lot to be retained.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time".
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 lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
9. Payment shall be made to the Township of Lanark Highlands 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.

10. The applicant shall enter into a development agreement with the Township of Lanark Highlands, to be registered on the title of each lot, recognizing that a licensed pit exists on the adjacent lands and that all sales of the severed lots include a statement acknowledging the existence of the pit located on the adjacent lands. And that any new development on the lots shall adhere to the requirements of the Aggregate Resources Act.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #5 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority recommends that the following mitigative measures be implemented on the retained lands:*
 - a. *Future development, including a septic system shall be setback a minimum of 30 m from the lake.*
 - b. *With the exception of a maximum clearing of 9 m for water access, shoreline vegetation shall be retained to a minimum depth of 15 m (measured inland from the lake).*
 - c. *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. In order to achieve this, eaves troughing shall be installed and outlet away from the lake to a leach pit or well-vegetated area to maximize infiltration.*
2. *The MVCA also recommend that lands under B16/039, the existing shoreline vegetation be augmented with deeply rooting native plant species to a minimum depth of 3 m (measured inland from the lake), in order to reduce the degree of shoreline clearing towards the maximum standard of 9 m. With the exception of a maximum clearing of 9 m, shoreline vegetation for B16/040 should be retained to a minimum depth of 15 m.*
3. *Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to the initiation of any alterations to the shoreline of the lake.*
4. *The applicant is also advised that consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the lake is required, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
5. *The LGL Health Unit advises that imported leaching bed fill would be required to construct a conforming septic system on B16/040.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or*

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

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

The Ministry of Natural Resources 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: Johanna Douglas-O'Neill

Hearing Date: July 12, 2016

Agent: ZanderPlan Inc.

LDC File #: B16/057 to B16/059

Municipality: Township of Montague

Geographic Township: Montague

Lot: 18

Conc.: 10

Roll No.: 0901 000 025 29500

Consent Type: 3 new lots

Purpose and Effect:

To sever three (3) residential building lots – B16/057 is a 2.9-ha lot with access to McLachlin Road – B16/058 is a 5.21-ha lot and B16/059 is a 5.28-ha lot with access to Rosedale Road North. The retained lands are 31.9-ha in area with an existing dwelling, located at 3274 Rosedale Road North.

DETAILS OF PROPOSAL	Lands to be Severed B16/057	Lands to be Severed B16/058
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	2.9-ha	3.26-ha
Frontage	74.6 m	158.8 m
Depth	190 m	326.4 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed well	Proposed well
Sewage Disposal	Proposed Septic	Proposed Septic
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
DETAILS OF PROPOSAL	Lands to be Severed B16/059	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	3.3-ha	31.9-ha
Frontage	158.8 m	556.1 m
Depth	330.6 m	321.1 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed well	Private well
Sewage Disposal	Proposed septic	Septic system

DETAILS OF PROPOSAL	Lands to be Severed B16/057	Lands to be Severed B16/058
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 with Woodlands overlay

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 2.16 Road Access, Section 2.19.2 Organic Soils, Section 2.21 Natural heritage Features, section 3.2. Mineral Resource – Bedrock, 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 -

Application

Thank you for circulating the Township of Montague on these applications. Township staff have reviewed the applications with respect to their conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owner seeks permission to sever three residential building lots (2.9 ha, and two at 5.2 ha in size) near the corner of Rosedale Road North and McLachlin Road. The three proposed lots are vacant and the applications, if approved, would leave a 32 ha retained portion with a dwelling located at 3274 Rosedale Road North. There is an extensive severance history on the Douglas-O'Neill lot with a total of seven previous lots taken off (four around 1978 and three around 1989). The Township's lot creation policies limit the number of severances to three from the lot as it existed in 2001 however and since these earlier severances pre-date 2001, the three proposed could still be considered under the 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. The northern end of Rosedale Road near the intersection of McLachlin and Salter Roads is very rural in nature and generally wooded, with scattered residential development, mostly on small lots, including several abutting the proposed lots. Given the size of the lots proposed and the limitations of the existing Rural zoning it is felt that the development envelopes of single family residential land uses would not substantively detract from the established rural and rural residential character of the area, The lots would essentially function as infill development in between existing lots. In this case the larger lots can be considered desirable in terms of minimizing impact on the landscape whereas in areas of prime agricultural land or identified naturally sensitive lands for instance, any new lots that are approved should generally be smaller in order to minimize the fragmentation of the designated landscape.

The Township's constraints mapping (Schedule "B" of the Official Plan) did not identify any natural hazard or natural heritage features that would preclude lot creation at this location and as such the policies of the Plan did not trigger the requirement for any supporting studies. While a very small area of potentially "significant woodland" is noted at the rear corner of the B16/057 lot, the majority of the lot is well separated from that feature (with existing lots between the lot's road frontage and the woodland) and as such staff agree with the Rideau Valley Conservation Authority's position that the application would not substantively benefit from an environmental impact study. While areas of "significant woodland" and "organic soils" are identified on the retained lands, that portion is already developed and these severances would not change the development status of that property.

As the severances front on public roads, they satisfy the access policies of the Official Plan (Sec. 2.16). Rosedale Road, which is paved, would provide the access to B16/058 and B16/059 and McLachlin Road, which is gravel in this location, would provide access to the third lot.

It is noted that these lots are located roughly 1 kilometre from Highway 15, which is a major transportation route connecting the community to nearby urban centres and as such, overall impact on municipal infrastructure is not expected to be significant.

Like all development in the rural portion of the Township, the proposed lots would be privately serviced with well and septic systems. The lot sizes being considered are large which should allow for adequate separation of wells and septic systems. There is no municipal requirement for a hydrogeological study to justify these severance applications, however in areas of denser residential development, the Land Division Committee could consider whether the drilling of a test well, as a condition of severance approval, is appropriate to confirm the suitability of the groundwater supply. 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.

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, in both paper and digital format.
- 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 lots. 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 proposal is to sever three new separate residential parcels (7.3 ac, 12.9 ac, 13 ac) from the existing parcel.

PROPERTY CHARACTERISTICS

Severed Parcel (B/6/057)

The severed parcel is primarily cleared with a portion of the rear of the lot being treed. The severed parcel is vacant.

Severed Parcel (B16/058)

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

Severed Parcel (B16/059)

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

Retained Parcel

The retained parcel is primarily treed with some wetland on the northeast corner of the property. There is a residence, garage and outbuilding on the property fronting Rosedale Road North.

REVIEW

Natural Hazards

Organic Soils

Severed Parcels (B16/057, B16/058 and B16/059)

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

Retained Parcel

A portion on the south of the property has been identified as Organic Soils on Schedule B of the Township's Official Plan. The retained parcel is already developed with a residence, garage, and outbuilding. Therefore, Organic Soils do not have an impact on these applications.

For the applicant's information 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. Therefore, should any future development on the retained parcel occur, it should be located away from the Organic Soils.

Natural Heritage**Unevaluated Wetlands****Severed Parcels (B16/057, B16/058 & B16/059)**

There have been no wetlands identified on the severed parcels.

Retained Parcel

Portions of the retained parcel have been identified as unevaluated wetlands. Since this lot is already developed with a residence, garage and outbuilding, there is no anticipated impact on the wetlands as a result of this application.

Significant Woodlands**Severed Parcel (B16/057)**

A very small portion on the eastern edge of the severed parcel has been identified as Significant Woodlands on Schedule B of the Township's Official Plan. Given that the lot size is 7.3 acres, and the lot is between two existing lots, the Conservation Authority does not feel that this application would benefit from an EIS.

Severed Parcels (B16/058 and B16/059)

There have been no Significant Woodlands identified on the severed parcels.

Retained Parcel

A portion of the retained parcel has been identified as Significant Woodlands on Schedule B in the Township's Official Plan. The retained parcel is already developed, therefore there is no anticipated impact on the woodlands as a result of this application.

Provincially Significant Wetland**Severed Parcel (B16/057)**

A portion of the severed parcel is within the 120 metre adjacent lands of the Franktown Swamp Provincially Significant Wetland. However, the severed lot is separated from the wetland by McLachlin Road. Therefore, it is the Conservation Authority's opinion that this application would not have a negative impact on the wetland and that an EIS would not be of benefit in this instance.

Severed Parcels (B16/058 and B16/058)

There have been no Provincially Significant Wetlands or adjacent lands identified

on these severed parcels.

Retained Parcel

There have been no Provincially Significant Wetlands or adjacent lands identified on the retained parcel.

Watercourses

Severed Parcels (B16/057, B16/058 & B16/059)

There have been no watercourses identified on these severed parcels.

Retained Parcel

A watercourse has been identified on the retained parcel. The retained parcel is already developed, therefore there is no impact on the watercourse as a result of this application.

CONSERVATION AUTHORITY REGULATIONS

For the applicant's information, the watercourse identified on the retained parcel is 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 these severance applications. Please keep us informed on the status of these applications.

Septic Office – Leeds Grenville and Lanark District Health Unit

B16/057 – Approximately a 7.3 acre vacant parcel of land consisting of bush land. Slope, drainage and soil depth variable. Recommendation – Additional sandy loam fill will be required to construct a raised septic system (tile bed).

B16/058 – Approximately a 12.9 acre vacant parcel of land consisting of bush land. Slope, drainage and soil depth variable. Recommendation – Additional sandy loam fill will be required to construct a raised septic system (tile bed).

B16/059 – Approximately 13 acre vacant parcel of land consisting of bush land. Slope, drainage and soil depth variable. Recommendation – Additional sandy loam fill will be required to construct a raised septic system (tile bed).

Retained Lands – Approximately 78.9 acre parcel of land with existing house, outbuildings, drilled well and raised septic system. Slope, drainage and soil depth variable. Recommendation – Severance will not affect future replacement of septic system. Fill will be required to construct replacement septic system in the future.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

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

Township of Beckwith – No comments were received.

(c) **PUBLIC INPUT**

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

Emily and Trevor Cassell, Shannon Young, Bobbi and John Georgison and Ron Lowry – June 14, 2016

We are writing this letter to oppose severing of lot B16-057, located on McLachlin Road just off Rosedale Rd N. The reason for our opposition is the infringement of our privacy and lack of greens pace that people living rurally are accustomed to. The lot is directly overlooking all the backyards of all 6 lots in this area. It takes away from the rural nature of our properties turning our area into that similar to a town neighbourhood. We choose to live in the country for privacy and to be closer to nature, with a house overlooking our back yard we might as well move to town.

The creation of these three building lots is in direct contravention of Montague Townships Official plan which was created to "*maintain the rural character, scenic qualities and rich natural and cultural heritage amenities of the Township while providing a modest growth in housing and employment opportunities, This Plan encourages the growth and development throughout the Township, while recognizing constraints and limitations to development imposed by the natural environment.*" The rural nature and scenic qualities are being overlooked by creating these building lots.

As per Official Plan Schedule A this area of Rosedale Road/McLachlin Road is not considered a settlement area therefore "*to preserve and enhance the rural character and natural beauty of the Township through regulating the nature and form of new development and encouraging it to locate in designated Settlement Areas 3. The provision of new housing is encouraged to take place in the more built-up areas of the Township such as communities designated Settlement Area. The Township recognizes that some multiple-unit and higher density forms of housing may be better suited to urban, municipally-serviced municipalities situated within the regional market area.*" There are already three other lots slated for Rosedale Rd N. not including these three! By locating so many building lots in a non-Settlement area you are taking away from the rural character and natural beauty of that part of the township.

As per section 3.7.3 Residential Policies of the Township of Montague Official Plan we would like to see the hydrogeological, terrain analysis and impact assessment reports to creating these three lots. Since this is a densely forested area with some swamp land, we would like to know: -the effects on wild life with the deforestation (just last week a Blanding turtle was found in this area), -the effects the septic's and wells being dug will have on our current water tables (is this going to seep into our drinking water).

As per the definition from the Municipal Affairs and Housing of a subdivision "When you divide a piece of land into two or more parcels and offer one or more for sale, you are subdividing property, and the provisions d the Planning Act

come into play". Since there have already been 7 lots severed from the original property and now 3 more are being added we would like to see more analysis of the impact of the surrounding area.

Attachments: List of severances of the property, pictures of the lots showing how densely forested it is.

Please mail the following any updates/appeals.

We the undersigned directly oppose the creation of lots B16-058, B16-059 and especially lot B16-057.

These are all the property owners touching these lots, one neighbour was away for work and wasn't able to sign.

Appendix 1: List of severances of 3274 Rosedale Road

From Jim Hunter, Montague Chief Building Official/Planning Technician, received June 16, 2016.

"I have traced the severance history and this appears to me to be the history, using the dates of the surveys for reference.

On May 3, 1977, 2 lots were severed.

On Oct. 28, 1977, 1 lot was severed.

On Aug. 14, 1978, 1 lot was severed.

On May 31, 1989, one of the lots created on May 3, 1977 was divided into 2 lots.

On Aug. 18, 1989, one of the lots created on May 3, 1977 was divided into 3 lots, one of which, / believe, is yours, at 3380.

So, a total of 7 lots have been indirectly created from the original property."



Ron Lowry – June 24, 2016

I am in opposition of subject file number severances; two of these three open spaces are adjacent to my lot. The reason I decided to purchase the residence of which I reside (3292 Rosedale Rd) for over twenty (20) years now was for the rural character, natural beauty, serenity and privacy of this location. I have several items of concerns that would directly impact my way of life that I am accustomed.

Reasons of opposition include:

- Infringement of my privacy
- Possible loss of green space
- I feel this is in contravention of Montague Townships official plan which was created to “Maintain the rural character, scenic qualities and rich natural and cultural heritage amenities of the Township, while providing a modest growth in housing and employment opportunities, This plan encourages the growth and development throughout the township, while recognizing constraints and limitation to development imposed by the natural environment”
- This area is not classified as a settlement area but is being developed greatly over the past few years making it a “settlement area”
- Effects on wildlife
- Deforestation
- Additional septic systems that could directly affect the water table to my residence
- Unit or units utilizing the same water table thus putting my water supply at risk
- Over population of the area (already becoming over populated)
- Possibility of multi dwelling or higher density forms of housing

In regards to subject file number I would like to obtain more information as to the plans for severing lots B16/057 and B16/058 in particular and also request to be informed on any and all public meeting in this regard.

As I am employed full time it is extremely difficult for me to set up an appointment during your regular business hours to visit the Land Division Office in order to obtain additional information thus I have included some information requested items below that I hope you are able to provide.

Information requests:

- Hydro geological, terrain analysis and impact assessment reports
- Effects on wildlife
- Effects on deforestation
- Effects on septic systems and wells being dug (encroaching on and affecting my water table. Water supply and possible contamination)
- As per the Planning Act as defined by the Municipal Affairs and Housing of a subdivision the analysis of the impact to the surrounding area “When you divide a piece of land into two or more parcels and offer one or more for sale, you are subdividing property, and the provision of the Planning Act come into play”

If these severed lots are approved, I would like to recommend that these lots contain a maximum of one single dwelling unit residence and that forestation

between residences remain.

Please advise me of any upcoming meeting in regards to these severances.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever three (3A) residential building lots (2.9-ha, 5.21-ha and 5.28-ha) and retain a 31.9-ha landholding with an existing dwelling, outbuildings and barn located at 3274 Rosedale Road North.

The subject lands are located in an area characterized by large rural lots, intermixed with typical smaller type rural residential lots ranging from 0.396-ha to 1.0-ha along Rosedale Rd N and McLachlin Roads. A total of 7 new lots have been created from the original landholding. These occurred in 1977, 3 in 1978, 2 in 1989 and 1997 – all of which pre-date the lot creation date in the Montague Official Plan.

Water Supply

Section 2.22 of the Montague Official Plan subsection 5, states “*In reviewing planning applications, the cumulative impacts of private services shall be monitored to ensure sustainability of development.*” Given that there are a total of 17 lots within proximity to the proposed lots, consideration should be given to demonstrate that adequate and potable water is available to supply the new development and also maintain the existing development. It is recommended that either a well be constructed or that a hydrogeological evaluation be undertaken to satisfy Section 2.22 of the Montague Official Plan. This will also address some of the concerns raised by the adjacent landowners.

Natural Heritage

The Official Plan shows an area on the retained lands as being woodlands and organic soils. This has been confirmed by the Conservation Authority through their review. No new development is proposed on these designated areas.

Road Access

The lands are accessed via McLaughlin Road and Rosedale Road North, both municipally maintained roads.

Soils Inventory

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

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 122 m, the actual distance from the barn to the closest proposed lot line is approximately 110 m – given that the lot is larger than 1.0-ha the building envelope will be required to be located on the northerly side of the lot and an updated MDS will be required prior

to a building permit being issued. It is also recommended that a condition be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Endangered Species

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

Loggerhead Shrike END
Eastern Meadowlark THR
Bobolink THR

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. 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 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 – July 12, 2016

Johanna Douglas-O'Neil, owner and Tracy Zander, agent attended the hearing and gave evidence under oath.

Ms. Zander provided an overview of the development proposal. Advising that the new lot locations took into consideration the Natural heritage Features as shown on the Official Plan.

Ms. Douglas-O'Neil advised that there are tree / hedge rows on the property that will act as buffer between the new lots and the existing lots and that the building envelope on B16/057 would naturally be located in line with the exiting dwellings accessing McLachlin Road. Ms. Douglas-O'Neil also noted that when she purchased the property, she had a well study undertaken and has had no problems with quantity and quality.

Committee reviewed the staff report and draft conditions. Considering that Ms. Douglas-O'Neil has agreed to drill a test well, the conditions were revised to remove the alternative of preparing a scoped hydrogeological evaluation and entering into an agreement.

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B16/057, B16/058 and B16/059 – same conditions to apply to all three

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 lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. THAT the Owner(s) provide certification of the following to the Lanark County Land Division and the Township of Montague :
 - a) That a well has been constructed in accordance with the Ministry of Environment and Climate Change requirements on any one of the lots being created through Consent Applications B16/057, B16/058 or B16/059;
 - b) That the quality of the water meets the Ministry of Environment and Climate Change Regulations, Standards, Guidelines and Objectives;
 - c) That the quantity of water meets the Ministry of Environment and Climate Change requirements;

The certification must be prepared by a qualified Professional Engineer, or Professional Geoscientist and it is the Owner's /Applicants responsibility to coordinate the company/person drilling the well and the professional noted herein in order to properly satisfy this condition.

Alternatively, should the Owner/Applicant not wish to proceed with the drilling of the well at this time, an Agreement with the Township of Montague may be entered into and registered on title as outlined in Condition No 5.
5. The Owner shall enter into an Agreement with the Township of Montague, at the expense of the Owner, which is to be registered on the Title of the property, to deal with the following covenants/notices that shall run with the land and bind future Owner(s) on subsequent transfers:

"The Township of Montague and the County of Lanark does not guarantee the quality or quantity of the groundwater. If, at some future date the quality or quantity of the groundwater becomes deficient, the Township of Montague and the County of Lanark bears no responsibility, financial or otherwise, to provide solutions to the deficiency such solutions being the sole responsibility of the home Owner(s).
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 Montague.
7. 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.

8. 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.
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 #4 through #11 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that the watercourse identified on the retained parcel is 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.*
2. *The LGL Health Unit advises that additional sandy loam fill will be required to construct a raise septic system (tile bed) and that fill will be required to construct a replacement septic system on the retained lands in the future.*
3. *The lands to be severed may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
4. *The Township of Montague will require an updated MDS calculation prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines*

general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

The Ministry of Natural Resources and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact 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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Donna L Blair, James A McLaren & **Hearing Date:** July 12, 2016

Lyle W McLaren

Agent: McIntosh Perry Consulting

LDC File #: B16/060

Municipality: Township of Drummond / North Elmsley

Geographic Township: Drummond

Lot: 17

Conc.: 7

Roll No.: 0919 919 030 20000

Consent Type: New lot

Purpose and Effect:

To sever a 2.01-ha residential lot at 1536 Drummond Con 7 and retain a 62.75-ha landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Residential	Vacant farm land
Proposed Use	Residential	Vacant farm land
Area	2.01-ha	62.75-ha
Frontage	213.36 m	337.11 m
Depth	94.49 m	1350 m +/-
Road - Access to	Municipal	Municipal
Water Supply	Private well	None
Sewage Disposal	Septic System	None
Zoning By-law Category	Rural	Rural
-Area (minimum)	0.4-ha	10.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	45 m	45 m
-Compliance?	Yes	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.

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 3 General Provisions, Section 4.3 Rural, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

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

The Township of Drummond / North Elmsley advises that the proposal will require re-zoning or a minor variance to comply with the maximum lot coverage for accessory structures.

(b) AGENCY REVIEW

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

Township Planner's Report -

Thank you for circulating the Township of Drummond/North Elmsley on this application.

Township staff and Council have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law.

As indicated, the applicants seek permission to sever their farm house and barns (on 2 ha /5 acres) from the remainder of their farm lot, leaving a 62.75 ha (155

acre) retained parcel. The house and barns front on Drummond Concession 7 (Civic # 1536) and the retained lands are undeveloped, consisting primarily of fields (hay and corn fields) with some bush at the north end of the lot. According to Township records there appears to have been one previous severance from this lot of record in the 1980's and as such one additional severance can be considered according to the Township's lot creation policies. According to the application, the fields have been rented to a third party for the last several years for cropping and the outbuildings are being used (and intended to be used) by the owners for personal storage and no longer for agricultural purposes. This application would formalize that division.

Policy Review

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the new Provincial Policy Statement. The subject property is designated Rural according to the Township's Official Plan. This Section (4.3) is supportive of "limited" residential development provided that it is appropriate and compatible in its rural setting. The severance of a dwelling from a farm property would allow the potential for a new residence on the retained lands. While these lands are not designated agricultural, this section of Drummond Concession 7 is located within a predominantly agricultural area and as such the protection of farm land should be considered in evaluating severance applications. While the barn is proposed to be removed from the farmland through the severance it is noted in the application that it is no longer used for agricultural purposes. As such the proposal would not detract from the agricultural functionality of the remaining land as it is currently utilized, and a very limited amount of tillable land would be removed from circulation as part of this application. This proposal should not have a negative impact on the functionality of the abutting agricultural land uses, although it is noted that the severance of the barns removes potential functionality of a possible future agricultural use on the severed lands.

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

From a servicing standpoint, the severed and retained lands are accessed by Drummond Concession 7, which is a Township owned and maintained road. It is not felt that the potential allowance of one future residence would have a negative impact on the function of the infrastructure.

From a zoning perspective, the severed and retained lands are zoned Rural and the lot size and frontage complies with the provisions of the zone. According to the information submitted in the application, there are three outbuildings on the severed land. While the exact size of the accessory buildings has not been indicated, it is believed that they exceed 140 square metres (1,507 ft²) in floor space, which is the maximum lot coverage for accessory buildings on a Rural zoned lot less than 4 ha (10 acres) in size. As part of a larger lot (and if used for agriculture) this zoning restriction does not apply, however with the severance of the house and outbuildings onto a new lot of 5 acres, the proposal would create a zoning compliance issue. Since a severance application cannot create a lot that does not meet the Township's Zoning By-law, prior to final approval this would need to be addressed either through a planning relief application (zoning amendment or minor variance) or through the revision of the application to

increase the lot size. If the Land Division Committee were to approve the residential severance as is, Township Council or the Committee of Adjustment would then be in position to determine whether the Township's planning rules should be excepted in order to allow the large accessory buildings on the proposed lot.

Conclusion and Recommendation

Upon review of this application, staff are of the view that this application is consistent with the Township's Official Plan and recommend that the Land Division Committee consider approving the lot.

Township of Drummond / North Elmsley - 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 (in digital and paper format) 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 is viable for the retained lot. The applicant shall consult directly with the Township in this regard.
- 4) The applicant shall obtain zoning relief as required in order to recognize the existing accessory buildings on the proposed residential lot. The applicant shall consult directly with the Township in this regard.
- 4) Sufficient land for road widening purposes shall be conveyed to the Township of Drummond/North Elmsley by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one developed lot measuring 2.01 ha, and retain an agricultural landholding measuring 62.75 ha.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drone Imagery, two drainage ditches

flow across the retained land into a municipal drain referred to as the William/Ireton Municipal Drain. The drain is classed as F, with no fish habitat identified. No significant natural heritage features or natural hazards were identified on the proposed severed lands.

REVIEW

Sufficient area appears to exist on the retained lands to accommodate a minimum setback of 15 m from all drains, in the event of future development.

RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objections to the subject application. However, in the event of future development on the retained lands, we recommend a minimum setback of 15 m from the drains identified.

NOTES

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

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to any alterations to the shoreline of the drainage ditches and the municipal drain.

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 – Approximately a 2.0 hectare parcel of land with existing house, several outbuildings, drilled well and septic system. Property is relatively flat consisting of grassland. Recommendation – additional sandy loam fill may be required to construct a replacement septic system in the future.

Retained Lands – Approx. a 62.75-ha vacant parcel of land consisting of agricultural crops. Property is relatively flat. Soil depth variable. Recommendation – no proposed development; to remain agricultural.

Ministry of Transportation – No comments were received.

Hydro One Networks – No comments were received.

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

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 2.01-ha lot with an existing well, barn and two

garages. The lands to be retained are 62.7-ha in size and are used for cash cropping. One previous consent was taken from the original landholding in 1987.

The subject lands are located in an area characterized by typical rural / agriculture and on large landholdings, intermixed with typical residential lots along Drummond Con 7. Highway No. 7 traverses along the north western portion of the lands to be retained, no access is planned for this area. The 'settlement area" of Drummond Centre is located on the north side of Hwy 7.

Agriculture

No MDS was under for the application as there are no plans to develop the retained lands. However, if a building permit is obtained for the retained lands, an MDS will be required.

Access

The lands are accessed via Drummond Con 7, a municipally maintained road.

Soils Inventory –

- Name – South Section – Tennyson	North Section ; North Gower
- Stoniness: slightly stony	slightly stony
- CLI: 2 – moderate limitations	CLI: 2
- Drainage: well drained	poor drainage
- Hydrogeology: moderate	high run-off

Bedrock Inventory – dolostone, sandstone

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:

Loggerhead Shrike END
Bobolink THR

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Drummond / North Elmsley Official Plan Polices for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size

and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

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, however the floor area of the accessory structures may exceed the maximum permitted under the zoning by-law – confirmation will be required and if exceeded then a zoning or minor variance will be required. If the lot is to be used for other uses (i.e. Hobby Farm) the lands will require re-zoning for an exception to the 10.0-ha minimum lot size.

Conclusion

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

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

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

(e) **MINUTES – July 12, 2016**

No persons attended the hearing.

Committee reviewed the staff report and draft conditions.

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

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

of the Planning Act, and having had regard to the matters under subsection 51(24) of the Planning Act.

B16/060

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 Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall obtain appropriate relief from the minimum lot coverage provisions of the Zoning By-law for the Township of Drummond / North Elmsley either by way of an amendment to the Zoning By-law or a minor variance.
6. The applicant shall confirm that a residential entrance to the retained lands is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
7. The applicant shall obtain a Civic Address Number for the retained lands from the Township of Drummond / North Elmsley. 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 Drummond / North Elmsley by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #8 has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority 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 to any alterations to the shoreline of the drainage ditches and the municipal drain.*
2. *The LGL Health Units advises that additional sandy loam fill may be required to construct a replacement septic system in the future.*

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 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.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Ian Bowles

Hearing Date: July 12, 2016

Agent: Peter Alderwood

LDC File #: B16/077

Municipality: Town of Carleton Place

Geographic Township: Carleton Place

Lot: 90

Plan.: 6115

Roll No.: 0928 030 065 14605

Consent Type: New lot

Purpose and Effect:

To sever a 307.1 sq.m. residential lot and retain a 307.46 sq.m. residential lot – to split a semi-detached dwelling unit along the centre foundation of the units located at 131 and 133 Elizabeth Street.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	307.1 sq.m.	307.46 m
Frontage	9.14 m	9.14 m
Depth	33.6 m	33,64 m
Road - Access to	Municipal Street	Municipal Street
Water Supply	Piped Water	Piped Water
Sewage Disposal	Sewage System	Sewage System
Development Permit By-law Category	Residential District	Residential District
-Area (minimum)	60% lot Coverage	60% lot Coverage
-Compliance?		
-Frontage (minimum)	7.5 m	7.5 m
-Compliance?	Yes	Yes

Official Plan Designation: Residential District

Conformity: Yes

(a) APPLICATION REVIEW

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

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

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons),

employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs.

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

Local Official Plan – Section 2.0 Community Design, Section 3.5 Residential District, Section 4.3.5 Water, Waste Water and Stormwater Services, Section 6.7.2 Consents.

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

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

The Town of Carleton Place advises that the proposal complies with the Development Permit regulations. .

(b) AGENCY REVIEW

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

Town Planner's Report -

A consent application has been received from the applicant in relation to the property known municipally as 131-133 Elizabeth St. The subject lands are legally described as Parts 1 and 2 on 27R-10582.

This consent application is to sever a 307.1 m² residential lot, leaving a 307.46m²

portion of retained residential property. The purpose of the severance is to split the existing semi-detached units into separate ownerships. The semi-detached units were constructed and approved through building permit 14N043.

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

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

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

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

The Official Plan designation for this property is Residential (R). This designation allows for a mix of housing types which complements the existing small town character. The Development Permit By-law also designates the property as Residential (R). The severance will allow the existing semi-detached to be created under individual ownerships. Both the retained and the severed lot meets the minimum frontage required under the Development Permit By-law.

COMMENT

The proposal, if approved, will allow for the existing semi-detached to be under separate ownership. The lots are appropriately designated in both the Official Plan and in the Development Permit By-law. As with any severance application, staff complies a list of conditions that the application must meet before final approval and creation of a new deed.

It should be noted that once the County of Lanark Land Division Committee makes a decision, the applicant must clear all conditions within one year from the date of that decision.

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

1. The balance of outstanding taxes, including penalties and interest, (and any local improvement charges if applicable) shall be paid to the Town of Carleton Place.
2. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
3. That a deposited reference plan be submitted to the Town of Carleton Place.
4. That a cash-in-lieu of parkland payment of \$640.00 be collected from the applicant.

Hydro One Networks – No comments were received.

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

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 307.1 sq.m. residential lot and retain a 307.46 sq.m. residential lot along the dividing foundation wall between the semi-detached dwelling unit.

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

The lands are accessed via Elizabeth Street, a municipally maintained road.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision. Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which do not result in the creation of a new lot.
- 3 Woodlands
The Town of Carleton Place utilizes a 'Tree Conservation Plan' for protection of woodlands within town limits.

Development Permit By-law

The subject property is currently within the Residential District section of the Development Permit By-law, which permits a number of uses, including semi-detached dwelling units. The applicant obtained permission to construct the semi-detached dwelling unit under Building Permit 14NO43

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of

the Provincial Policy Statement.

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

(e) MINUTES – July 12, 2016

Peter Alderwood, agent attended the hearing and gave evidence under oath.

Mr. Alderwood advised that he had obtained the necessary Development Permits and Building Permits to construct the semi-detached dwelling unit on the vacant lot. The consent will separate the units along the dividing foundation line.

Committee reviewed the staff report and draft conditions.

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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 Town of Carleton Place.
4. The applicant shall provide the Town of Carleton Place with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Carleton Place.
6. Payment shall be made to the Town of Carleton Place representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
7. A letter shall be received from the Town of Carleton Place stating that condition #3 through #6 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Renwick & Associates

Hearing Date: July 12, 2016

Agent: Renwick & Associates

LDC File #: B16/081

Municipality: Town of Carleton Place

Geographic Township: Carleton Place

Lot: 60

Plan.: 133

Roll No.: 0928 020 045 02600

Consent Type: New lot

Purpose and Effect:

To sever a 338.39 sq.m. residential lot and retain a 308.15 sq.m. residential lot with an existing dwelling located at 65 Frank Street.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	338.39 sq.m.	308.15 sq.m.
Frontage	12.48 m	11.49 m
Depth	27.13 m	27.16 m
Road - Access to	Municipal Street	Municipal Street
Water Supply	Piped Water	Piped Water
Sewage Disposal	Sewage System	Sewage System
Development Permit By-law Category	Residential District	Residential District
-Area (minimum)	60% lot Coverage	60% lot Coverage
-Compliance?		
-Frontage (minimum)	10.6 m	10.6 m
-Compliance?	No	No

Official Plan Designation: Mississippi Residential sector

Conformity: Yes

(a) APPLICATION REVIEW

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

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

Section 1.1.1.b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons),

employment (including industrial and commercial), recreational (including places of worship, cemeteries and long-term care homes), recreation, park and open space and other uses to meet long-term needs.

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

Local Official Plan – Section 2.0 Community Design, Section 3.2.2 Mississippi District Residential, Section 4.3.5 Water, Waste Water and Stormwater Services, Section 6.7.2 Consents.

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

Development Permit By-law - Section 2.0 Administration, Section 3.0 General Provisions, Section 4.2 Mississippi Transitional Sector.

The Town of Carleton Place advises that the proposal complies with the Development Permit regulations.

(b) AGENCY REVIEW

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

Town Planner's Report -

A consent application has been received from the applicant in relation to the property known municipally as 65 Frank Street. The subject lands are legally described as Part of Lot 60 on Plan 133.

This consent application is to sever a 338.39 m² residential lot, leaving a

308.15m² portion of retained residential property. The purpose of the severance is to create a new building lot within the Town of Carleton Place.

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

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

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

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

The Official Plan designation for this property is Mississippi District Residential (MDR). This designation allows for a mix of housing types which complements the existing small town character. The Development Permit By-law also designates the property as Mississippi Residential Sector (MRS). The severance will allow for the creation of a new building lot within the Town. Both the retained and the severed lot meets the minimum frontage required under the Development Permit By-law.

Upon further investigation it was determined that the parking space width provided for the laneway of the retained property is 0.07m too narrow in width to accommodate a parking space. The required parking space width is 2.75m under the Development Permit By-law. A revision to the lot line will be required. Sufficient room exists to the severed portion to do so. The applicant has been informed.

COMMENT

The proposal, if approved, will allow for the creation of a new building lot within the Town of Carleton Place. The lots are appropriately designated in both the Official Plan and in the Development Permit By-law. As with any severance application, staff complies a list of conditions that the application must meet before final approval and creation of a new deed.

It should be noted that once the County of Lanark Land Division Committee makes a decision, the applicant must clear all conditions within one year from the date of that decision.

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

1. The balance of outstanding taxes, including penalties and interest, (and any local improvement charges if applicable) shall be paid to the Town of Carleton Place.
2. The applicant shall provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
3. That a deposited reference plan be submitted to the Town of Carleton Place.

4. That a cash-in-lieu of parkland payment of \$640.00 be collected from the applicant.
5. The applicant shall provide a Site Grading and Drainage Plan for the retained and severed parcels to the satisfaction of the Town of Carleton Place.
6. That the new lot and any proposed structures to be built on the lot must comply to the Development Permit By-law. If compliance is not demonstrated a separate application for Development Permit approval will be required.
7. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town 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 Town of Carleton Place in this regard.
9. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:
 - Adequate frontage along the maintained road
 - Adequate access along the maintained road
 - Compliance with the Ontario Building Code
10. The parking space on the retained lot is to be revised to ensure the width will be a minimum of 2.75 m.

Hydro One Networks – No comments were received.

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

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 338.39 sq.m. residential building lot and retain a 308.15 sq.m. residential lot with an existing dwelling located at 65 Frank Street.

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

The lands are accessed via Frank Street, a municipally maintained road.

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be

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

2. Carleton Place Official Plan Policies for the Division of Land are found in Section 6.7.2 of the OP. It is the policy of this Plan that lot creation in excess of four lots, including the retained lot, shall take place by Plan of Subdivision. Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which do not result in the creation of a new lot.
- 3 Woodlands
The Town of Carleton Place utilizes a 'Tree Conservation Plan' for protection of woodlands within town limits.

Development Permit By-law

The subject property is currently within the Residential District section of the Development Permit By-law, which permits a number of uses, including single family residential units.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town's Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) MINUTES – July 12, 2016

No persons attended the hearing.

Committee reviewed the staff report and draft conditions.

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

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

B16/081

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 Town of Carleton Place.
4. The applicant shall provide the Town of Carleton Place with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan in a NAD83 Datum file format to the Town of Carleton Place.
6. Payment shall be made to the Town of Carleton Place representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
7. The applicant shall provide a Site Grading and Drainage Plan for the retained and severed lands to the satisfaction of the Town of Carleton Place.
8. That the new lot and any proposed structures to be built on the lot must comply to the Development Permit By-law. If compliance is not demonstrated a separate application for Development Permit approval will be required.
9. The applicant shall revise the parking space on the retained lot to ensure that the width will be a minimum of 2.75 m.
10. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:
 - Adequate frontage along the maintained road; and
 - Adequate access along the maintained road.
11. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
12. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Carleton Place in this regard.
13. A letter shall be received from the Town of Carleton Place stating that condition #3 through #12 has been fulfilled to their satisfaction.

NOTES

1. *The Town of Carleton Place advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Russell & Cheryl Burke

Hearing Date: July 12, 2016

Agent: ZanderPlan Inc.

LDC File #: B16/034

Municipality: Tay Valley Township

Geographic Township: North Burgess

Lot: 1

Conc.: 10

Roll No.: 0911 911 010 31200

Consent Type: new lot

Purpose and Effect:

To sever a 2.39-ha residential lot with an existing dwelling located at 2345 Scotch Line Road and to retain a 46.1-ha landholding with an existing storage building and commercial structure.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Residential	Commercial
Proposed Use	Residential	Commercial/Residential
Area	2.39-ha	46.1-ha
Frontage	23.4 m	81.3 m
Depth	197 m +/-	1707 m
Road - Access to	County Road	County Road
Water Supply	Private well	Proposed well
Sewage Disposal	Septic System	Proposed Septic
Zoning By-law Category	Rural	Commercial / Rural
-Area (minimum)	1.0-ha	Rezoning req'd
-Compliance?	Yes	
-Frontage (minimum)	60 m	
-Compliance?	No – Rezoning Req'd	

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.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

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

Tay Valley Township advises that the proposal conforms to the Official Plan.

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

Tay Valley Township advises that the proposal does not comply with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township Planner's Report -

BACKGROUND

The proposal is to sever a 2.39 ha parcel already developed with dwelling, garage and pool. The retained parcel is 46.1 ha primarily rural , but with commercial development on Scotch Line Road.

DISCUSSION

Consistent with Provincial Policy Statement - Yes

Conforms to Official Plan - Yes

Complies with Zoning By-Law - No

Recommend consent for this application - Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Rezoning of the severed parcel to allow for an undersized frontage
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Payment of \$100 Cash-in-Lieu of Parkland

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural. The Official Plan section 3.6.1 recognizes that "lands designated Rural on the periphery of the Town of Perth have historically exhibited more concentrated pattern of development than other Rural areas. It is anticipated that these peripheral areas will continue to be the focus of greater development interest than Rural lands in general. The Township recognizes the reality of more concentrated and compact development in the peripheral areas that is based on their proximity to an urban centre of regional significance."

ZONING BY-LAW

The parcel is zoned Rural and Commercial, the Commercial portion being the majority of the frontage along Scotch Line Road.

The entire parcel has frontage on both Scotch Line Road and Ferrier Road, but both the dwelling and commercial activity currently share common frontage of 104.7m on Scotch Line Road. The proposal is to divide this frontage between the severed and retained lots, 23.4m for the rural residential severed lot and 81.3m for the commercial/rural retained lot. The size of the lots is largely dictated by the County approval of a shared entrance from Scotch Line Road, rather than a driveway for each lot. Rezoning to recognize the undersized frontage (23.4 m rather than the 60 m required) would be a condition of severance approval. Rezoning to adjust the commercial zone would be proposed at the same time.

Rideau Valley Conservation Authority (RVCA) has no objections to the proposal. On the retained lot, RVCA recommends a 30m setback from the Allen Drain for any site development, and notes that an Environmental Impact Study (EIS) may be required to mitigate impact of any development on the significant forest area at the Ferrier Road end of the property.

Mississippi Rideau Septic System Office (MRSSO) has no objections to the severance as proposed.

CONCLUSION

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

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

1. That, the balance of an outstanding taxes, including penalties and Interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, the severed lot be rezoned to Rural special exception.
4. 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.
5. That, payment of \$100.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has completed a review of the above noted application and a site visit was conducted. The following comments are offered for your consideration as regards:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act
- The Rideau Valley Conservation Authority regulations under Section 28 of the Conservation Authorities Act

Proposal

The application intends to sever the existing residence on the west portion of the property. The proposed new lot will have a 23.4 metre road frontage on Scotch Line, while the retained parcel is proposed to have 81.3 metres road frontage on Scotch Line as well as 114.6 metres frontage on Ferrier Road.

The Property

This large property consists mainly of open field/old field. There is forest cover on the retained lands fronting on south/east corner portion of the retained lands, fronting on Ferrier Road.

The Allen Drain traverses both the proposed severed and retained parcels in the west section of the property.

It appears from our mapping that the drainage on this large property is divided; the west of the property draining to Grants Creek, the central and east portions draining to Otty Lake.

No natural hazards such as organic soils, flood plain or unstable slopes were identified on the site.

Comments and Recommendations

The forested portion of the retained parcel, fronting on Ferrier Road, is part of a more extensive significant maturing hardwood forested area, identified as significant woodland (ecoregion 6E) by the Ministry of Natural Resources and Forestry. As noted in the application, this woodland area is recognized in the Official Plan as Environmentally Sensitive Land.

The Provincial Planning Policy Statement requires that development (which includes lot creation in its definition) shall not be permitted unless it has been demonstrated that there will be no negative impacts on the woodlands or its

ecological function. The RVCA recommends that a condition of approval include a notification that the retained lands contain an area of significant forest. As such, any future planning application/approval as may be required under the Planning Act shall demonstrate through an Environmental Impact Statement, that there would be no impact on the significant forest area or its ecological function. We would support rezoning as may be required to restrict site alterations/development within the forested area.

We also note that we support a 30 metre setback for any site disturbance from the Allen Drain and that any alteration to the watercourse/drain requires prior written approval from our office per Ontario Regulation 174/06 "Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation" made pursuant to the Conservation Authorities Act.

Thank you for the opportunity to comment

Septic Office – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted May 3, 2016.

The applicant proposes to sever a 2.38865 hectare parcel from the NW portion of the retained parcel to create a new lot. The proposed parcel is developed with a dwelling, attached garage and pool. The dwelling is serviced by a Class 4 sewage system and a well. The topography is fairly flat with a treed fence line and open field NW of the dwelling. No test pits were provided.

The retained parcel is 46.1 hectares. The property is identified as commercial, which is evident by the building and equipment in the Northern portion of the retained. The Southern portion of the retained is primarily open field/pasture land. No test pits were provided.

The new lot as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from a surface water body, on either lot.

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

County Public Works Department

Lands to be severed have an approved existing entrance. Permit #1397 applies. Lands to be retained have an approved entrance location. Permit #2565 applies. Complete application to be submitted and entrance installed prior to deed endorsement.

Standard conditions for road widening, road closing, approvals and documentation to apply.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

Subsequent to review by our local Engineering Department, it has been

determined that Bell Canada has no concerns or objections with the application.

(c) PUBLIC INPUT

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

Mary Elizabeth James and James Higginson – May 27, 2016

I am writing regarding the notice Mary Elizabeth James and I received through our being landowners within 60 metres of the subject land referred to in the circulation notice with file number B16/034. We live on Ferrier Road East immediately adjacent to the 46.1-ha landholding. As we understand from the notice a 2.39-ha residential lot is to be severed from the landholding and a county road entrance is to be requested. We assume that this entrance is to be off the Scotch Line (County Road 10). Whether it is planned for the County Road or for Ferrier Road East we have some concerns.

Our concerns lie in the possibility of future access to the landholding from the Ferrier Road East frontage. There already exists a significantly compromised drainage pattern at that end of the landholding. Each spring, at run-off, there is flooding both on the landhold and on our property which threatens our residence. Any additional access to this property from Ferrier Road East would have to address the drainage problems.

Thank you for considering our concern. We would like notification of the public meeting and of the decision of the Land Division Committee.

NOTE: James and Mary were advised that the proposed access is from Scotch Line Road and a copy of their concerns regarding drainage was forwarded to the Township.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 2.388-ha residential lot with an existing dwelling located at 2345 Scotch Line Road and to retain a 46.1-ha landholding with an existing storage building and commercial building. A total of five (5) previous consents were taken from the original parcel – 2 in 1989, 1 in 1986 and 2 in 1980, these however predate the Official Plan lot creation date of January 1991.

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

Soils Inventory – Name: Monteagle

- Stoniness: moderately stony
- CLI: 4 – severe limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – granodiorite, granite

Endangered Species

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

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1991.
- 3 Woodlands
The area has been mapped as 'woodlands'.

Zoning

The subject property is currently within the rural and commercial section of the Zoning By-law, which permits a number of uses. The lands to be severed will require re-zoning to recognize the deficient road frontage and to remove the commercial zoning. The retained lands may require an adjustment to the boundary of the commercial zoning designation.

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 – July 12, 2016**

Russell Burke, owner, Tracy Zander, agent and Jim Higginson attended the hearing and gave evidence under oath.

Mr. Burke noted that the purpose of the application is to sever the existing dwelling and build a new residence near the existing storage shed on the retained lands. And that the lands would be zoned for commercial purposes with an accessory residential dwelling as permitted in the zoning by-law.

Mr. Higginson advised that he is a landowner on Ferrier Road, and is concerned with additional traffic if access to the lands is via this road. Mr. Higginson also expressed concerns with that if the existing farm entrance was converted to a residential entrance, that there would be problems with flooding on his lands.

The committee expressed concerns regarding the limited frontage for the severed lot – being 1/3 of what is required by the zoning by-law. And that consideration should be given to possibly splitting the 104.7m for each lot rather than one with 23.4m and the other with 81.3m. In this case it may be more beneficial to go through the re-zoning process first, rather than requiring the re-zoning as a condition.

Ms. Zander explained that the application proposes that the location of the existing entrance will remain at its current location, but is proposed to be converted to a common entrance servicing the two properties.

Mr. Burke explained that there are large rock outcrops on both sides of this existing entrance which make it problematic to change the location.

The applicant requested that the application be deferred to enable him to confer with his agent regarding alternative options to address the road frontage issue.

**Moved by W Guthrie
Seconded D Murphy**

THAT, consent application B16/034 – Burke be deferred to provide the applicant time to review alternative options to address road frontage;

AND THAT, the application be brought back before Committee at the request of the applicant/agent. Carried