
The Land Division Committee met in regular session on Monday, October 17, 2016 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

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

2. DISCLOSURE OF PECUNIARY INTEREST

None

3. APPROVAL OF MINUTES

MOTION #LD-2016-37

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

"THAT, the minutes of the Land Division Committee meeting held on September 6, 2016, be approved as circulated."

ADOPTED

4. ADDITIONS AND APPROVAL OF AGENDA

MOTION #LD-2016-38

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

"THAT, the agenda be adopted as presented and revised."

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 B16/054 & B16/055 – 8241295 Canada Inc. – 2 new lots
Pt. Lot 11 Conc. 10 geographic Township of Pakenham, now in the Municipality of Mississippi Mills. Lynx Hollow Road.
- 6.2 B16/071 & B16/072 – Robert and Sandra McGregor – 2 new lots
Pt. Lot 16 Conc. 7 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. Miller drive.
- 6.3 B16/075 – William and Susan Breckenridge – new lot
Pt. Lot 6 Conc. 2 geographic Township of Lanark, now in the Township of Lanark Highlands. Hwy 511.
- 6.4 B16/086 – George and Terry Poulos – new lot
Pt. Lot 2 Conc. 12 geographic Township of Lanark, now in the Township of Lanark Highlands. Hwy 7.
- 6.5 B16/076 – Harold and Judith Fisher – new lot
Pt. Lot 3 Conc. 8 geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. Glenview Road.
- 6.6 B16/082 – 980698 Ontario Inc. – new lot
Pt. Lot 12 Conc. 11 geographic Township of Pakenham, now in the Municipality of Mississippi Mills. Waba Road.
- 6.7 B16/089 & B16/090 – Eric Pugh – two new lots
Pt. Lot 20/21 Conc. 10 geographic Township of Darling, now in the Township of Lanark Highlands.
Cedar Cove Road and McAllister Road.
- 6.8 B16/087 – Willis Robinson – lot addition
Pt. Lot 6 Conc. 8 geographic Township of Pakenham, now in the Municipality of Mississippi Mills. Cedar Hill Sideroad.

- 6.9 B16/092 – Heinz Wolfe and J. Pazdzior – new lot
Lot 25 Plan 1222 Town of Carleton Place. McDonald Street.
- 6.10 B16/100 – Arvinda Kuriya – new lot
Lot 11 McMillan Survey Plan 787, Town of Carleton Place.
Bridge Street.
- 6.11 B16/105 – Shawn Kazda – new lot
Lot 1 & 2 Plan 6262 Town of Almonte, now in the Municipality of
Mississippi Mills. Victoria Street.

7. DEFERRED APPLICATIONS

- 7.1 B16/084 and B16/085 – George and Angela Charos – 2 new lots
Lots 68 and 69 Plan 6262 Town of Almonte, now in the Municipality
of Mississippi Mills. King Street and Argyle Street.

8. CONFIDENTIAL REPORTS

None

9. COMMUNICATIONS/OTHER BUSINESS

- 9.1 Bill 73 – effect of public and agency input on decisions of planning
applications. The Secretary-Treasurer provided samples of
suggested wording to be included in hearing minutes to address the
requirements of Bill 73.
- 9.2 Consent B16/006 Majore – request consideration for changed
conditions. ZanderPlan Inc. submitted a request to change the
conditions for Consent B16/006 to eliminate Condition No. 5
requiring the consolidation of the retained lands and a previous
consent, given that the OMB Appeal to the Lanark Highlands Official
Plan has now been settled, and the consent policies approved which
would allow three consents on a single parcel of land provided it met
all other Official Plan Policy requirements.

MOTION #LD-2016-39

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

"THAT, the request to 'change' the Provisional Conditions for Consent Application B16/006 – Majore be accepted;
AND THAT prior to consideration to 'change' the Provisional Conditions that a formal re-circulation be undertaken and that payment of the LDC fees be submitted."

ADOPTED

- 9.3 Infrastructure Ontario – exemption under Section 50(3)(c) of the *Planning Act*. Perth Jail. Infrastructure Ontario has requested written confirmation that the Land Division Committee has no objection to their exercising its exemption to subdivide the former Jail Property located at 62 Beckwith Street in Perth under Part IV Section 50(3) (c) of the *Planning Act*.

MOTION #LD-2016-40

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

"THAT, the Lanark Division Committee has no objective to the Province of Ontario exercising Exemption to subdivide property located at Pt. Lot 5 & 6 South of Harvey Street and Lot 5 and Part of Lot 6 North of Craig Street, Plan 8828, Town of Perth (Perth Jail) under Part IV, Section 50(3)(c) of the *Planning Act*."

ADOPTED

10. PROVISIONAL CONSENT GRANTED

- | | | |
|------|---|---------|
| 10.1 | B16/054 & B16/055 – 8241295 Canada Inc. – 2 new lots | 6 - 15 |
| 10.2 | B16/071 & B16/072 – Robert and Sandra McGregor – 2 new lots | 16 - 27 |
| 10.3 | B16/075 – William and Susan Breckenridge – new lot | 28 - 38 |
| 10.4 | B16/086 – George and Terry Poulos – new lot | 39 - 50 |
| 10.5 | B16/076 – Harold and Judith Fisher – new lot | 51 - 60 |

- 10.6 B16/082 – 980698 Ontario Inc. – new lot 61 - 75
- 10.7 B16/089 & B16/090 – Eric Pugh – two new lots 76 - 84
- 10.8 B16/087 – Willis Robinson – lot addition 85 - 95
- 10.9 B16/092 – Heinz Wolfe and J. Pazdzior – new lot 96 - 101
- 10.10 B16/100 – Arvinda Kuriya – new lot 102 - 108
- 10.11 B16/105 – Shawn Kazda – new lot 109 - 118
- 10.12 B16/084 and B16/085 – George and Angela Charos – 2 new lots 119 -
122

11. PROVISIONAL CONSENT DEFERRED

None

12. PROVISIONAL CONSENT DENIED

None

13. UPCOMING MEETINGS AND NOTICES

November 21, 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.

14. ADJOURNMENT

MOTION #LD-2016-41

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

"THAT, the meeting do now adjourn at 12:29 p.m."

ADOPTED



Mary Kirkham

Secretary-Treasurer



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: 8241295 Canada Inc.	Hearing Date: October 17, 2016
Applicant/Agent: Paul Timmins	LDC File #: B16/054 & B16/055
Municipality: Mississippi Mills	Lot: 11 Conc.: 10
Geographic Township: Pakenham	Consent Type: 2 new lots
Roll Number: 0931 946 025 03905 0931 946 025 03366	

Purpose and Effect: To sever two (2) residential building lots (0.5-ha and 0.42-ha) and retain a 0.38-ha residential building lot.

DETAILS OF PROPOSAL	Lands to be Severed B16/054	Lands to be Severed B16/055	Retained Lands
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Vacant	Vacant	Vacant
Area	0.5-ha	0.42-ha	0.38-ha
Frontage	56.6 m	60.9 m	60.9 m
Depth	74.0 m	64.5 m	61.3 m
Road - Access to	Municipal	Municipal	Municipal
Water Supply	Proposed	Proposed	Proposed
Sewage Disposal	Proposed	Proposed	Proposed
Zoning By-law Category	Rural	Rural	Rural
As approved by Minor Variance May 2016			
-Area (minimum)	0.38-ha	0.38-ha	0.38-ha
-Compliance?	Yes	Yes	Yes
-Frontage (minimum)	39.08 m	39.08 m	39.08 m
-Compliance?	Yes	Yes	Yes

Official Plan Designation: Settlement

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 1.6.6.4 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 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 Basis of Plan, Section 3.4 Rural Settlement Areas, Section 4 General Policies, Section 4.2 Urban Design, 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 designations and 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 now complies with the Zoning by-law regulations as a minor variance has been undertaken to reduce the minimum lot area requirements and minimum frontage requirements.

(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 Planning Report - BACKGROUND, PURPOSE AND EFFECT

The applicant has submitted Consent applications to the County of Lanark requesting to create two (2) residential infill building lots by way of severances from the above-noted properties. The first severance (B16/054) would have a lot area of ±5,003.5m (1.2ac) and 56.6m (185.7ft) of frontage along Lion Head Drive.

The second severance (B16/055) would have a lot area of $\pm 4,181\text{m}$ (1.0ac) and $\pm 60.9\text{m}$ (199.9ft) of frontage along Lion Head Drive. The retained lands would have a lot area of $\pm 3,792.9\text{m}$ (0.94ac) and a lot frontage of $\pm 39.08\text{m}$ (128.2ft) along Lion Head Drive (not including $\pm 21.88\text{m}$ of frontage along the unopened portion of the Lion Head Drive road allowance).

The applicant received Minor Variance approval from the Municipality's Committee of Adjustment on May 18, 2016, to reduce the minimum lot area requirement for non-farm residential lots within the Rural (RU) Zone from 1.0ha (2.47ac) to 0.38ha (0.94ac) and the minimum lot frontage requirement from 45m (147.63ft) to 39.08m (128.22ft) in order to facilitate the approval of the subject Consent applications. There were no appeals filed and the Minor Variances are in full force and effect.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject properties are located on the southwest side of Lion Head Drive, in the Pakenham Highlands Estates subdivision in the Ward of Pakenham. The subject lands are located within the Pakenham Highlands Estates subdivision settlement area. The properties are a combined $\pm 1.29\text{ha}$ (3.2ac) in lot area and have a total lot frontage of $\pm 178.53\text{m}$ (585.73ft) along Lion Head Drive. The properties are currently vacant.

The properties are currently designated "Rural Settlement and Hamlet" in the Municipality's Community Official Plan (COP) and zoned "Rural (RU)" by Comprehensive Zoning By-law #11-83. The properties are generally surrounded by rural residential dwellings located within the Pakenham Highland Estates subdivision and the surrounding rural area.

SERVICING & INFRASTRUCTURE

The subject properties are currently not serviced and front onto Lion Head Drive, a municipally owned and maintained road. Post severance, these lots will be serviced by private well and septic systems. Access to the proposed lots will be from Lions Head Drive and driveways will be constructed when the properties are being developed.

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 subject properties are designated "Rural Settlement and Hamlet" in the Municipality's Community Official Plan (COP) and zoned "Rural" by Zoning By-law #11-83. The COP identifies the Pakenham Highland Estates subdivision as a "settlement area" suitable for residential development. As such, the properties have been identified as suitable for low density residential intensification.

COMMUNITY OFFICIAL PLAN

Rural Settlement Areas and Hamlets Designation

The subject properties are designated “Rural Settlement Area and Hamlet” in the Municipality’s COP. This designation permits low and medium density residential uses as well as associated accessory uses.

Section 3.4.1 of the COP contains various objectives intended to implement the goal of encouraging development in settlement areas and maintaining the existing development pattern.

The proposed severed and retained lots will 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 lots. The owner will be required to receive necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

The dimensions and area of the proposed severed and retained lots are comparable in size and frontage to the residential lots located in the Pakenham Highlands Estates subdivision and with lot areas $\pm 0.38\text{ha}$, $\pm 0.42\text{ha}$ and $\pm 0.50\text{ha}$ (0.94ac, 1.0ac and 1.2ac) would generally be 1 acre (0.4ha) in size. Therefore, Staff believes that the severed and retained lots would be compatible with the surrounding neighbourhood and meet the intent of the COP.

General Consent Policies

The COP provides further direction regarding lot creation in Section 5.3.11.2 entitled “General Consent Policies”. This section states that the Municipality shall support the creation of new lots by Consent when a number of criteria are satisfied.

As the proposal is to create two (2) additional residential building lots, a plan of subdivision would not be required.

The proposal represents intensification in an existing built up area within the Pakenham Highlands Estates subdivision settlement area.

The proposal represents low density residential development, which would be compatible with the low density residential character of the area by having similar lot sizes and dimensions. The proposed development of the lots is also subject to Site Plan Control approval from the Municipality in accordance with By-law No. 15-60 in order to ensure compatibility with the surrounding neighbourhood in terms of urban design.

The creation of two (2) additional lots would not negatively impact traffic in the area. As the property has been identified as suitable for private servicing, the proposal will not impact municipal services.

The proposal would not hinder the development of the retained parcel because it would maintain $\pm 0.38\text{ha}$ (0.94ac) of lot area with $\pm 60.96\text{m}$ (200ft) of frontage along Lion Head Drive (currently 39.08m is maintained by the Municipality and 21.88m is unmaintained). As noted, the dimensions and area of the proposed lots are comparable in size and frontage to the residential lots created in the Pakenham

Highlands Estates subdivision directly across Lion Head Drive. Therefore, the application represents an orderly and efficient use of land.

The proposed development is not considered strip development as the proposal involves the creation of two (2) residential building lots that are integrated into an existing subdivision.

The proposal satisfies all other relevant policies of the COP.

ZONING BY-LAW #11-83

The subject properties are currently zoned “Rural (RU)” by the Municipality’s Comprehensive Zoning By-law #11-83. The RU Zone recognizes and permits a range of rural-based uses including single detached dwellings, which often have large lot or distance separation requirements. The following table shows that the proposed severed and retained lots would meet the minimum lot area and lot frontage requirements obtained through Minor Variance Application A-03-16.

Table 1: Development Standards vs. Proposed Lot Specifications

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT (MINOR VARIANCE)	RETAINED (LOT 1)	LOT 2 (B16/055)	LOT 3 (B16/054)
Minimum Lot Area (ha)	0.38ha (0.94ac)	±0.38ha (0.94ac)	±0.42ha (1.0ac)	±0.50ha (1.2ac)
Minimum Lot Frontage (m)	39.08m (128.2ft)	±39.08m (128.2ft)	±60.94m (199.9ft)	±56.6m (185.7ft)

CONCLUSION

As the subject Consent proposal involves the creation of two new rural residential lots of a comparable size and frontage to that of surrounding properties in an area deemed appropriate for low density residential intensification, Staff views the proposed Consent applications to be logical forms of development that would not detract from the character of the surrounding neighbourhood.

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

1. That the owner pays any outstanding property taxes on the subject properties;
2. That the applicant provides two (2) copies of the registered reference plan to the Municipality;
3. That the applicant provides a digital copy of the registered reference plan in .DWG and .PDF file formats;
4. That cash-in-lieu of parkland be paid in accordance with the Municipality’s Cash-In-Lieu of Parkland/Parkland Conveyance By-law;
5. That the applicant obtains entrance permits and civic address numbers for the severed and retained parcels; and,
6. That the applicant enters into a development agreement or a site plan agreement to be registered on title of the severed and retained parcels.

Conservation Authority – Mississippi Valley Conservation Authority
MVCA has advised that there are no natural heritage features or natural hazards identified, therefore no review was required.

Septic Office – Leeds Grenville and Lanark District Health Unit
B16/054 – Poor drainage, heavy clay soil. Cleared lot with slight slope to the back of the lot. Recommendations – Imported leaching bed fill would be required to construct a fully raised septic system on this lot.

B16/055 – Poor drainage, heavy clay soil. Cleared lot with slight slope toward the back of the lot. Recommendations – Imported leaching bed fill would be required to construct a fully raised septic system on this lot.

Retained lot – Poor drainage, heavy clay soil. Cleared lot with slight slope toward the back of the lot. Recommendations – Imported leaching bed fill would be required to construct a fully raised septic system on this lot.

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 two (2) residential building lots - 0.5- and 0.42-ha and retain a 0.38-ha residential building lot. All lots are currently vacant.

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

Road Access

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

Bedrock Inventory – limestone, dolostone, shale

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:

Flooded Jellyskin (THR)

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.

Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be

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

2. Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
3. Woodlands
The area has 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 proposal was required to undertake a 'minor variance' to reduce the minimum lot area and frontage requirements. Any new development will be required to meet the minimum setback requirements of the Zoning By-law as per the Minor Variance ruling.

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 Municipality of Mississippi Mills and could be given favourable consideration.

(e) MINUTES – October 17, 2016

Paul Timmins, applicant attended the hearing and gave evidence under oath.

Mr. Timmins confirmed that the lands have been re-zoned to deal with the reduced lot size and frontage.

The Committee expressed concerns with water quantity and quality, given the number of existing lots within this area. Mr. Timmins advised that the adjacent subdivision was developed in approximately 1991/92 and that a complete Hydrogeological Evaluation had been undertaken at that time on the adjacent lands. Since then a number of additional lots have been developed in the vicinity. And that he had developed a lot about 300 m south of these lots, with no problems with quantity or quality of water.

Committee reviewed the staff report and draft conditions. The conditions were revised to include requirements for either a well or provision of additional information on adjacent water, either within the subdivision or on other adjacent lands.

No public comments were received on this application so there was no effect on the decisions.

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.

B16/054 and B16/055 – same conditions apply to both applications

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Lanark County Land Division Committee for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the 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. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Municipality of Mississippi Mills to address urban design.
7. 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.
8. THAT the Owner(s) provide certification to the Lanark County Land Division and the Municipality of Mississippi Mills that a well has been constructed on the property be severed through applications B16/054 or B16/055 or the retained lands and that the quality and quantity of the water meets the Ministry of Environment and Climate Change, Regulations, Standards, Guidelines and Objectives. The certification must be prepared by a qualified Professional Engineer, or Professional

Geoscientist and it is the Owner's /Applicant's responsibility to coordinate the company/person drilling the well and the professional noted herein in order to properly satisfy this condition.

Alternatively, the Owner/Applicant shall provide documentation from the adjacent plan of subdivision and/or the adjacent lands that demonstrates favourable groundwater quantity, groundwater quality, a terrain evaluation and water quality impact risk analysis in accordance with the "Scoped Hydrogeological Report Requirements" guidelines dated July 2, 2015.

9. The applicant shall obtain a residential entrance permit for the severed and retained lands. The applicant shall consult directly with the Municipality of Mississippi Mills in this regard.
10. The applicant shall obtain a Civic Address Number for the severed and retained lands. The applicant shall consult directly with the Municipality of Mississippi Mills in this regard.
11. A letter shall be received from the Municipality of Mississippi Mills stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

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

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Robert & Sandra McGregor	Hearing Date: October 17, 2016
Applicant/Agent: ZanderPlan Inc.	LDC File #: B16/071 & B16/072
Municipality: Drummond / North Elmsley	Lot: 16 Conc.: 7
Geographic Township: Drummond	Consent Type: 2 new lots
Roll Number: 0919 919 030 18510	

Purpose and Effect: To sever two (2) residential building lots (1.0-ha each) and retain a 2.1-ha residential lot with an existing dwelling located at 138 Miller Drive

DETAILS OF PROPOSAL	Lands to be Severed B16/071	Lands to be Severed B16/072	Retained lands
Existing Use Proposed Use	Vacant Residential	Vacant Residential	Residential Residential
Area Frontage Depth Road - Access to	1.0-ha 53.5 m Irregular Municipal	1.0-ha 68.78 m 145.0 m Municipal	2.08-ha 112.4 m Irregular Municipal
Water Supply Sewage Disposal	Proposed well Proposed septic	Proposed well Proposed septic	Private well Septic System
Zoning By-law Category -Area (minimum) -Compliance? -Frontage (minimum) -Compliance?	Rural 0.4-ha Yes 45 m Yes	Rural 0.4-ha Yes 45 m Yes	Rural 0.4-ha Yes 45 m Yes

Official Plan Designation: Hamlet (Settlement)

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 1.6.6.4 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 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 3 General Provisions, Section 4.2 Hamlet Policies, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

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

The Township of Drummond / North Elmsley advises that proposal complies with

the Zoning By-law designation, however confirmation will be required regarding lot coverage – relief may be required.

(b) AGENCY REVIEW

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

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 two 1 ha (2.5 acre) lots from larger landholding at the corner of Miller Drive and Drummond Concession 7 within the Drummond Centre hamlet. The severed lots are both vacant and largely open (although MVCA mapping has identified local wetlands across a portion of the landholding). The retained lands, 2.1 ha in size, contain a house and several accessory storage structures. The existing McGregor lot as currently constituted is part of a previous severance whereby it and several other lots were severed from the original lot of record on Miller Drive. 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 on lands designated hamlet. As such, this application can be considered according to this policy. The severed and retained lands all front on roads that are owned and maintained by the Township.

Policy Review

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the 2014 Provincial Policy Statement. Staff reviewed this application against the policies of the Township's Official Plan and Zoning By-law and note the following:

- Sec. 4.2 (Hamlet Designation): This Section supports a mixture of residential, commercial and institutional uses within the established settlement areas of the Township, of which Drummond Centre is one. While the proposed lots are to the east of the core of the community, centred around the school and surrounding residences, the "hamlet" designation includes adjacent undeveloped land and the section supports expanded development "ensuring that land use conflicts are minimized." The McGregor property forms a logical continuation of this pattern and given its location adjacent Highway 7 appears to be a suitable lot for development.
- Sec. 3.10.3 (Natural Hazards): The Mississippi Valley Conservation Authority has identified an unclassified wetland affecting a portion of the retained lot and one of the severed lots. These wetlands would be considered natural hazards and accordingly development should be directed away from that feature.
- Sec. 3.14 (Noise Attenuation): The entire site is located within 250 metres of a Provincial Highway. Township and Provincial Policies require sensitive development and major transportation corridors to be appropriately sited to avoid land use conflicts. As such, the Township may request a noise study prior to approving development. In this case, given the relatively low scale of development proposed and the amount of existing development in the area

adjacent the highway, staff do not believe a feasibility study is warranted however recommend that a note be placed on the Title advising of potential impacts of noise.

- Sec. 5.3 (Local Roads): Drummond Concession 7 and Miller Drive are Township owned and maintained roads intended to serve a low amount of traffic. It is not felt that the introduction of five new residences in this area will have a significant impact on municipal infrastructure, particularly given the nearby access to the major transportation corridor.

- Sec. 6.3.2 (Consent Policies- Servicing): Like all development in the rural portion of the Township, the proposed lots would be privately serviced with well and septic systems. In areas of extensive existing development, the Township may ask for supporting studies to determine the appropriateness of further development in terms of servicing capability and impacts. To implement this provision, the Township has developed a screening checklist to determine when, and at what level, hydrogeological review is appropriate. With respect to these applications, staff note that there are at least 15 residential lots within a 300 m radius, however the lots proposed are larger (1 hectare) which should allow for adequate separation of wells and septic systems. Given this, staff advise that the intent of this policy would be satisfied by the construction of a test well to confirm the suitability of the groundwater supply, prior to final approval of the severances.

- Comprehensive Zoning By-law: The severed lands and the retained lands are zoned Rural and the creation of the two residential building lots is consistent with that zoning. The severed and retained lands comply with the lot size and frontage provisions of the By-law. It is understood that the retained lands also contain three accessory outbuildings, although the size of these buildings is not indicated. Section 4.2.4 of the Township's Zoning By-law stipulates that on a lot less than 4 ha (10 acres) in size, the maximum cumulative lot coverage of accessory buildings shall be 140 m². While the McGregor lot as currently constituted meets the 4 ha size that would allow the greater lot coverage, the severances would reduce the size of the retained lot such that a non-compliance would be established if the accessory lot coverage is over the 140 m². To address this, the Township requests as a condition of any severance approval that the lot coverage of the accessory buildings be confirmed and if necessary, planning relief obtained in order to recognize the situation.

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 provide satisfactory evidence to the Township that the severed and retained lands, including all structures located thereon, are in compliance with all provisions of the Zoning By-law and if necessary, the proper relief obtained.
 - 6) The Owner shall 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;
 - 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/Applicant's responsibility to coordinate the company/person drilling the well and the professional noted herein in order to properly satisfy this condition.
 - 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.
 - 8) The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:
 "TAKE NOTICE that this lot is located within 250 metres of a Provincial Highway which is located to the west in Lot 17, Concession 7, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise."

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 application is to sever (2) vacant lots, each measuring 1 ha. The retained land is already developed and measures 2.1 ha.

PROPERTY CHARACTERISTICS

A review of GIS Mapping and Drone Imagery shows that an unclassified wetland exists on the proposed retained lands and severance 1, adjacent to Hwy 7. A tributary of McIntyre Creek flows through this wetland. No significant natural hazards or natural heritage features were identified on the *severance 2*.

REVIEW

Natural Heritage Values

Wetland: A wetland has been identified on the proposed retained lands and severance 1.

We understand that the identified wetland has not been mapped or evaluated by the Ministry of Natural Resources; 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. They may also provide connectivity and function to *Natural Heritage Systems*, as defined in the PPS (2014). Therefore, a development setback of a minimum 30 m from any wetland is recommended.

Watercourse: A watercourse has been identified on the proposed retained lands and severance 1.

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the Provincial Policy Statement, a minimum development setback of 30 m is recommended from any watercourse.

Discussion

Sufficient area appears to exist on severance 1 to accommodate new development with a setback of 30 m from the unclassified wetland and the watercourse. The retained lands are already developed with no new development proposed at this time. Therefore, impacts to these features are not anticipated as a result of the subject applications.

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 supported by acceptable engineering techniques. Sufficient area appears to exist for development on severance 1, beyond this hazard. The retained lands are already developed with no new development proposed at this time.

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 for future development on severance 1:

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. In order to achieve this, eaves troughing shall be installed and outlet away from the watercourse and wetland to a leach pit or well-vegetated area to maximize infiltration.
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 applicant should be advised that a portion of the severed land is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the shoreline of the watercourses identified on the retained lands and severance 1.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the unnamed watercourses, 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

B16/071 – Approximately 2.47 acre vacant parcel of land consisting of mixed vegetation with a water course running through the property. Some areas subject to high water table. Slope, drainage and soil depth variable. Recommendation – additional sandy loam fill may be required to construct future septic system (tile bed).

B16/072 – Approximately 2.47 acre vacant parcel of land consisting of mixed vegetation with a water course running through the property. Some areas subject to high water table. Slope, drainage and soil depth variable. Recommendation – additional sandy loam fill may be required to construct future septic system (tile bed).

Retained – Approximately 5.15 acres with existing house, outbuildings, drilled well and septic system. Slope, soil depth and drainage variable. Recommendation – the severance will not impact future replacement of the septic system. New septic system was installed under Permit #57643.

Ministry of Transportation - access to be obtained from the municipal road. No access permitted or allowed from Hwy 7 in accordance with MTO guidelines.

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:

Christopher Quadling – July 18, 2016

My wife and I have no comments or recommendation to offer at this time.

We would appreciate notification of upcoming Public Meetings and/or Decisions in respect of this matter.

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

The applicant proposes to sever two (2) residential building lots (1.0-ha each) and a 2.1-ha residential lot with an existing dwelling located at 139 Miller Drive.

The subject lands are located in an area characterized by typical urban type residential within the settlement area of Drummond Centre. Two commercial operations are located to the south of Hwy 7. The effect of the lot creation is 'infill', a process recommended by the PPS.

Road Access

The lands are accessed via Miller Drive, a municipally maintained road. B16/071 backs onto Highway No. 7, however no access is permitted onto Hwy 7 due to the distance requirements from the intersection of Drummond Con 7, Code Road, Miller Drive and Hwy 7.

Water Supply

Due to the amount of development within this area (20 plus lots within a 500 m radius) concerns have been raised regarding the quantity and quality of water. A new well or hydrogeological evaluation will be required as a condition.

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:

- Bobolink (THR)
- Eastern Meadowlark (THR)
- Loggerhead Shrike (END)

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. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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

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

(e) **MINUTES – October 17, 2016**

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

The committee questioned the shape of the lot being created by B16/072. Ms. Zander advised that the McGregors have a ‘billboard’ sign on this part of the retained lands and wish to keep the notices at the current location.

Ms. Zander also noted that there are no farm buildings on the retained lands, however farm buildings are on adjacent lands. In accordance with D/NE Official Plan policies, no MDS is required where lots are being proposed within a ‘settlement area’.

Public comments were received. The request to be kept informed of the Committees decision did not influence the decision of Committee to approve the application.

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.

B16/071 and B16/072 – same conditions to apply to both applications

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement within **a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is within 250 metres of a Provincial Highway which is located to the west in Lot 17 Concession 7 geographic Township of Drummond, now in the Township of Drummond / North Elmsley and may be susceptible to impacts typically associated with traffic, including noise".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a paper and digital copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. Satisfactory evidence shall be provided to the Township of Drummond / North Elmsley confirming that the lot to be retained complies with the pertinent provisions of the Zoning By-law. In the event of non-compliance, appropriate relief shall be obtained either by way of a minor variance or a zoning by-law amendment.
7. THAT the Owner(s) provide certification to the Lanark County Land Division and the Township of Drummond / North Elmsley that a well has been constructed on either of the lands being created through Consent Applications B16/071 or B16/072 and that the quality and quantity of the water meets the Ministry of Environment and Climate Change, Regulations, Standards, Guidelines and Objectives. The certification must be prepared by a qualified Professional Engineer, or Professional Geoscientist and it is the Owner's /Applicant's responsibility to coordinate the company/person drilling the well and the professional noted herein in order to properly satisfy this condition.

Alternatively, should the Owner/Applicant not wish to proceed with the drilling of the well at this time, the owner/applicant shall prepare a "Scoped Hydrogeological Evaluation Report" by a Professional Engineer, or Professional Geoscientist to demonstrate a favourable groundwater quantity assessment, groundwater quality assessment, terrain evaluation and water quality impact risk analysis in accordance with the "Scoped Hydrogeological Report Requirements" guidelines dated July 2, 2015.

8. 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.
9. 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.
10. 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.
11. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #10 has been fulfilled to their satisfaction.

NOTES

Note No. 1, 2 and 3 apply to B16/071 only

1. *The Mississippi Valley Conservation Authority advises that future development, including a septic system shall be setback a minimum of 30 m from the watercourse and wetland.*
 - a. *The shoreline vegetation surrounding the wetland and watercourse shall be retained to a minimum depth of 15 m.*
 - b. *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. In order to achieve this, eaves troughing shall be installed and outlet away from the watercourse and wetland to a leach pit or well-vegetated area to maximize infiltration.*
 - c. *Future development shall be directed away from wetland areas consisting of organic soils.*
 - d. *The wetland shall remain undisturbed.*
2. *The MVCA also advise that a portion of the severed land is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the shoreline of the watercourses on the retained and severed lands.*
3. *Consultation with Fisheries and Oceans Canada (DFO)*
fisheriesprotection@dfompo.gc.ca *is required prior to conducting any work within*

the unnamed watercourses, on the retained and severed lands in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

4. *The Applicant shall include in all Agreements of Purchase and Sale the following wording:
"TAKE NOTICE that this lot is located within 250 metres of a Provincial Highway which is located to the west in Lot 17, Concession 7, Geographic Township of Drummond, Township of Drummond/North Elmsley. As such from time to time it may be exposed to impacts typically associated with such a use including noise."*
5. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill may be required to construct future septic system (tile bed).*
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: William & Susan Breckenridge	Hearing Date: October 17, 2016
Applicant/Agent: ZanderPlan Inc.	LDC File #: B16/075
Municipality: Lanark Highlands	Lot: 6 Conc.: 2
Geographic Township: Lanark	Consent Type: new lot
Roll Number: 0940 934 010 08000	

Purpose and Effect: To sever a 2.02-ha lot and to retain a 39.1-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Commercial shop / garage	Vacant
Area	2.02-ha	39.1-ha
Frontage	158.5 m	487.4 m
Depth	134.3 m	Irregular
Road - Access to	County Road	County Road
Water Supply	Proposed Well	None
Sewage Disposal	Proposed Septic	None
Zoning By-law Category	Rural	Rural
-Area (minimum)	Currently in process of re-zoning to commercial	1.0-ha
-Compliance?		Yes
-Frontage (minimum)		60 m
-Compliance?		Yes

Official Plan Designation: Rural and Organic Soils

Conformity: Yes

(a) APPLICATION REVIEW

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

3.1 Natural Hazards

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.3 County Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

Local Official Plan – Section 3.3 Rural Communities, Section 5.3 Landform Specific Policies, Section 6.4 Hazardous Lands, Section 7.4.2 County 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, Section 13.0 Commercial Industrial Zone.

The Township of Lanark Highlands advises that the proposal does not comply with the zoning by-law regulations, however the applicant has submitted an application to re-zone the lands for commercial purposes.

(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 2.02-ha (5 ac.) of vacant land for commercial purposes (Heavy Equipment Workshop and Garage) and to retain a 39.1-ha (96.6 ac.) vacant land holding in the Geographic Township of Lanark, now in the Township of Lanark Highlands. The lands are accessed via Hwy. 511. The lands will be privately serviced.

OFFICIAL PLAN

The subject lands are designated as Rural Communities on Schedule 'A' of the Township of Lanark Highlands' Official Plan. This designation allows for commercial and industrial development (OP Policy 3.3.7.3). The required minimum lot size is 0.8-ha. The proposed lot is 2.02-ha (5-ac). The required minimum frontage is 60m. The proposed lot has 158.5m of frontage and the retained lot has 487.4m of frontage on Hwy. 511, which is a County road. (Rural Communities Section 3.3.6.3).

OP Policy 3.3.8.3 requires Site Plan Control, for non-residential uses, as a mechanism to regulate the physical character of development and to ensure compatibility with established land uses.

ZONING

The subject property is presently zoned Rural, however, the lands to be severed are subject to a concurrent zoning amendment to re-zone the 2.02-ha. (5 ac.) to Rural Industrial (MR) in order to accommodate the proposed use of the property (Heavy Equipment Repair and Office). The minimum lot size required by the MR Zone is 2-ha. The minimum required frontage is 100m. The proposed lot meets both of these requirements.

DISCUSSION

The purpose of this application is to allow for the re-location of the applicants' business, JB Forest Products Limited, and the construction of a privately serviced 568.6 m² workshop/office. If approved, this application will result in the creation of one new rural industrial lot. In terms of the physical suitability of the land for the proposed use, the site is located on Hwy 511, which is a County Road, and well suited for the transportation of heavy equipment. The proposed site is vacant pasture land, which is not heavily forested. There are no nearby sensitive land uses (within a 400m radius) which would be impacted by any noise or odors created by the proposed use.

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 5% cash in lieu of parkland dedication fee.
5. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain a commercial entrance permit from the County of Lanark.
7. That the applicant enter into a site plan agreement with the Township for proposed non-residential use of the property, which shall be registered on title.

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 (1) vacant lot measuring 2.02 ha and retain a vacant lot measuring 39.07 ha.

PROPERTY CHARACTERISTICS

A review of Drape Imagery shows that an unclassified wetland exists in the northeast section of the retained lands. In addition, a tributary of Kerr Lake flows through a southern corner of the retained lands. No significant natural hazards or natural heritage features were identified on the severed lands.

REVIEW

Natural Heritage Values

Wetland

A wetland has been identified on the proposed retained lands.

We understand that the identified wetland has not been mapped or evaluated by the Ministry of Natural Resources; 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. They may also provide

connectivity and function to *Natural Heritage Systems*, as defined in the PPS (2014). Therefore, a development setback of a minimum 30 m from any wetland is recommended.

Watercourse

A watercourse has been identified on the proposed retained lands.

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the Provincial Policy Statement, a minimum development setback of 30 m is recommended from any watercourse.

Discussion

Sufficient area appears to exist on the retained land to accommodate new development with a setback of 30 m from the unclassified wetland and the watercourse. Therefore, impacts to these features 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 supported by acceptable engineering techniques. Sufficient area appears to exist for development on the retained land, beyond this hazard.

RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVCA does not have any objection to the subject application provided the following is implemented for future development on the 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. In order to achieve this, eaves troughing shall be installed and outlet away from the watercourse and wetland to a leach pit or well-vegetated area to maximize infiltration.
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 applicant should be advised that a portion of the retained lands is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the shoreline of the watercourses identified on the retained lands.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the unnamed watercourses, 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 Lot – Good drainage due to slope of land toward the south. Silty sand soil of varying depth with some exposed rock. Mostly cleared hay field.

Recommendation – the proposed lot will be large enough to accommodate on-site sewage disposal. Some areas will be unsuitable for a septic system due to the slope. Imported leaching bed fill will be required to construct a conforming septic system.

Retained lot – large acreage with varying slopes and soil conditions. Good drainage. Hay fields and bush. Recommendation – severing this lot will not negatively impact the potential for on-site sewage disposal on the retained property.

Lanark County Public Works

Applicant has an approved entrance location to the County Road – Permit No. 2567.

Retained lands have existing field entrance. If applicant requires a single residential entrance in the future to the retained lands, they will be required to complete an Entrance Application at that time to determine if approval can be granted.

Standards conditions to apply: road widening, road closing, approvals and documentation.

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

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 2.02-ha lot for the purposes of constructing a commercial shop and garage and to retain a 39.1-ha vacant landholding.

The subject lands are located in an area characterized by typical rural development on large landholdings along Hwy 511. The Village of Lanark is located approximately 1.0 km south of this lot.

Road Access

The lands are accessed via Hwy 511 a County maintained road.

Soils Inventory

- Name: tweed
- Stoniness: slightly stony
- CLI: 5 – very severe limitations 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 is a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it. The Gillies Lake / Kerr Lake Wetlands is located to the east.

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. Additional lots may be granted in Rural Communities or Waterfront Communities where the lots to be created would constitute infill. Additional policies also apply, e.g. requirement for hydrogeological and terrain analysis. 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. (NOTE – THE OMB gave an oral decision approving the settlement of the appeal – the new policies take effect August 4, 2016. The new policies only apply to those applications deemed complete after that date.).
3. Woodlands
The northern portion (retained lands) has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of 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 but not

commercial. The applicant has submitted an application to re-zone the lands to commercial industrial to accommodate the new proposed use.

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 – October 17, 2016

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

Ms. Zander advised that the re-zoning has been completed and they are currently working on the site plan agreement.

No public comments were received on this application so there was no effect on the decision.

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.

B16/075

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the

Secretary-Treasurer of the Land Division Committee for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. 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.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. 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.
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. The applicant shall enter into a site plan agreement with the Township of Lanark Highlands for proposed non-residential use of the property. Such document to be registered on title.
10. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
11. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
12. 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 the Township of Lanark Highlands, 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 #11 through #16 has been fulfilled to their satisfaction.
18. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #10 (and #15 if required) has been fulfilled to their satisfaction.

NOTES

1. *The Mississippi Valley Conservation Authority advises that the following is to be implemented for future development on the 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. In order to achieve this, eaves troughing shall be installed and outlet away from the watercourse and wetland to a leach pit or well-vegetated area to maximize infiltration.*
 - 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 a portion of the retained lands is regulated by MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". A permit is required from MVCA prior to any alterations to the shoreline of the watercourses identified on the retained lands.*
3. *Consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the unnamed watercourses, 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 imported leaching bed fill will be required to construct a conforming septic system on the lot.*

5. *The Lanark County Public Works Department advises that if a single residential entrance is required in the future to the retained lands, the owner will be required to complete an Entrance Application to determine if approval can be granted.*
6. *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.*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: George Poulos and Terry Poulos	Hearing Date: Oct. 17, 2016
Applicant/Agent: ZanderPlan Inc.	LDC File #: B16/086
Municipality: Lanark Highlands	Lot: 2 Conc.: 12
Geographic Township: Lanark	Consent Type: New lot
Roll Number: 0940 934 035 06001	

Purpose and Effect: To sever a 5.56-ha residential lot with an existing dwelling located at 12921 Hwy 7 and retain a 13.7-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Retained Lands
Existing Use	Residential	Vacant
Proposed Use	Residential	Vacant
Area	5.56-ha	13.7-ha
Frontage	90 m	519.9 m
Depth	Irregular	Irregular
Road - Access to	Provincial Highway	Provincial Highway
Water Supply	Private well	None
Sewage Disposal	Septic System	None
Zoning By-law Category\	Rural	Rural & Environmental Protection
-Area (minimum)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	60 m	60 m
-Compliance?	Yes	Yes
		No dwellings permitted on EP Zone

Official Plan Designation: Rural, PSW and Organic Soils

Conformity: Yes

(a) APPLICATION REVIEW

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

1.1 **Managing and Directing Land Use to Achieve Efficient and Resilient**

Development and Land Use Patterns

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

3.1 Natural Hazards

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

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

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.1 Provincially Significant Wetlands, 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 5.3.1 Endangered or Threatened Species, Section 5.3.6 Deer Yards, Section 5.3.2 PSW, Section 6.5 Unstable Slopes and Organic Soils, Section 7.4.1 Provincial Highways, 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, Section 17.0 Environmental Protection Zone.

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

(b) AGENCY REVIEW

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

Township Planning Report -

An application has been received from the County of Lanark Land Division Committee to sever a 5.56-ha. (13.5 ac.) residential lot with an existing dwelling located at 12921 Highway (Hwy) 7 and retain a 13.7-ha. (33.8 ac.) parcel of vacant land, adjacent to Hwy 7. No new development is planned for either lot.

OFFICIAL PLAN

The subject lands are designated as Rural Communities on Schedule 'A' of the Township of Lanark Highlands' Official Plan with an area of Provincially Significant Wetland (PSW). The proposed lot is 5.56-ha (13.5-ac) which is more than the required minimum lot size of 0.8-ha. The required minimum frontage for the each lot is 60m. The proposed severance has 90m of frontage. The retained lot has 519.9m of frontage on Hwy 7, which is a provincial highway.

The proposed severed lot, which has been previously developed, conforms with the Rural Communities policies of the Official Plan.

The retained lot is subject to the following Official Plan policies:

With respect to Provincially Significant Wetlands:

Permitted Uses 5.3.2.5

The following uses are permitted in designated wetlands: • Open space and passive recreational uses which do not involve extensive site alterations and do not adversely affect the natural features or ecological functions of the wetland or require approval under the Planning Act; • Conservation uses which improve the ecological functions of the wetland; • Uses of a scientific or educational nature; • Established agricultural uses ongoing at the time of adoption of this Plan. However new or expanded structures or the clearing and draining of additional lands within the limits of the wetland are not permitted; • Lot creation for all permitted uses stated above is permitted.

Considering the above, the retained lot has natural heritage constraints on its ability to be developed at the present time and is limited to its present use as vacant land.

ZONING

The subject property is zoned Rural (RU) and Environmental Protection (EP). The subject lot and the retained lot have sufficient frontage, depth and area to meet the

requirements of the Zoning By-law. The zoning of the retained lands limits how this property can be developed in the future. Any future development would be subject to addressing the areas of EP on the property.

DISCUSSION

If approved, the proposal will result in the creation of one new conveyable rural lot. The severed lot is zoned Rural and has been previously developed with a residential dwelling. With respect to the retained lot, the Ministry of Transportation has approved the 90m of frontage for the severed lot; the retained lot however, is not eligible for an entrance onto Highway 7. At the present time, the retained lot does not have an entrance permit.

Considering the identified development constraints and in accordance with the official plan policy provided below, staff have recommended that a holding symbol be placed on the retained lands to demonstrate the lot's limited development potential. The official plan provides the following with respect to "H" Symbols:

8.4.11.2 The following have been established as objectives for using holding provisions in a Zoning By-law: (8) lands which do not have adequate access or frontage onto a public roadway.

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 5% cash in lieu of parkland dedication fee.
5. That in accordance with Section 36 of the Planning Act, a Holding symbol be applied to the retained lands.

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

According to the information provided, the purpose of the subject application is to sever a 5.56-ha lot, with an existing residence, and retain a vacant parcel of land measuring 13.7 ha. The retained land is used to display a large billboard. It is our understanding that the retained lands are not intended for residential use; rather to continue the current non-residential use. It is also our understanding that there

have been preliminary discussions between the County of Lanark, the Municipality, MTO, and the Agent to place the retained lands in a "Holding Zone". If future development is requested, the holding zoning could only be removed once the landowner adequately demonstrated that all policies in affect at that time could be met.

PROPERTY CHARACTERISTICS

According to a review of available mapping, a large portion of both the proposed retained and severed lands consist of a Provincially Significant Wetland (PSW) referred to as the *Scotch Corners Wetland Complex*. An unnamed watercourse flows through this wetland. The subject property has also been mapped with organic soils, which exist within and beyond the PSW boundary. The property is also located within an area identified by the Ministry of Natural Resources and Forestry as a significant deer wintering area.

REVIEW

Natural Heritage Features

PSW

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development and site alterations, including the creation of new lots, within 120 m of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified. Potential impacts are typically assessed through the preparation of an Environmental Impact Statement (EIS).

Watercourse

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.

Significant Wildlife Habitat

The subject property has been designated as Significant Wildlife Habitat, specifically a deer wintering area. Guidelines (Natural Heritage Reference Manual, 2010) prepared in support of the Provincial Policy Statement (PPS) indicate that new development, including lot creation, shall only be permitted within significant wildlife habitat if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the feature identified.

Natural Hazards

Organic Soils

A significant portion of the subject property has been mapped as having 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.

Discussion

We note that area does not exist on the retained lands for future residential development beyond the natural heritage features outlined above, unless a crossing is created across these features to the rear of the lot. Potential impacts of this crossing would need to be assessed in the EIS, including an assessment of hydrologic impacts. We note that a permit from MVCA is required for this crossing, and it would have to be designed to span across the watercourse and the

PSW, without interfering with the function of these features. The EIS should also address any proposed development within 120 m of the PSW boundary.

If organic soils cannot be avoided, suitable engineering practices should be used to overcome this hazard.

With respect to the deer yard, MVCA anticipates that development impacts on this habitat can be mitigated if the removal of trees and other terrestrial vegetation is kept to the minimum required to develop the site with a residence, septic system and driveway. The features discussed above have also been identified on the severed lands. However, these lands are already developed with no new development proposed at this time. Therefore, impacts to these features are not anticipated as a result of the subject application.

RECOMMENDATIONS AND CONCLUSION

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

1. The proposed retained lands shall be rezoned to "Holding". In order for the holding zone to be removed for any new development or site alterations, the following conditions must be met:
 - An EIS is prepared by a qualified professional to demonstrate, to the satisfaction of MVCA, that there will be no negative impacts on natural heritage features, including their ecological and hydrologic functions.
 - Organic soils shall be avoided or mitigated with suitable engineering practices.
 - In order to mitigate potential development impacts on deer wintering habitat, removal of trees and other terrestrial vegetation shall be kept to the minimum required to develop the site with a residence, septic system and driveway.
 - All zoning provisions in the municipalities zoning by-law shall be met.
 - Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit shall be obtained from MVCA prior to the initiation of any interference within the Regulation Limit (i.e. within 120 m) of the PSW, or for any alterations to the watercourse which flows through this wetland.
2. The vegetated buffer along the shoreline of the PSW and watercourse shall be retained to a minimum depth of 15 m.
3. In the absence of an EIS, removal of trees and other terrestrial vegetation shall not be permitted in order to mitigate potential development impacts on deer wintering habitat.
4. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the PSW, watercourse or onto adjacent properties.
5. Pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit shall be obtained from MVCA prior to the initiation of any interference within the Regulation Limit (i.e. within 120 m) of the PSW, or for any alterations to the watercourse which flows through this wetland.

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.

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 lot – The back of the lot and the area around the existing house if well drained. Varying soil depths and slopes. Silty soil. Recommendation – severing this lot will not negatively impact the exiting septic system. The lot will be large enough to accommodate a replacement system when needed.

Retained lot – Large property with some bush areas and some poorly drained wetland. Varying slopes and soil conditions. Recommendation – much of the property is unusable for on-site sewage disposal, but there may be suitable building sites on the eastern half of the property, currently a bush lot. Imported leaching bed fill would be required to construct a conforming septic system.

Ministry of Transportation

The Ministry has reviewed this severance and the associated position of the field entrances. The Ministry has no concerns with this severance moving forward as we have had numerous discussions regarding the proposed property lines and frontage. As stated previously in other correspondence, the Ministry would like to be clear that the retained parcel is not eligible for any other entrance other than the field entrances that currently exist. The Ministry will not grant a residential or commercial entrance to the retained parcel under any circumstances. Therefore, it is unlikely that those parcels can ever be developed for residential or commercial uses. The Ministry therefore respectfully asks that this information be disclosed to any prospective purchaser of the property.

If the entrances require new permits as a result of a change in ownership, we respectfully ask that your client and the prospective purchaser contact our Ottawa office at 347 Preston Street, 4th Floor, Ottawa, Ontario K1S 3J4 tel: 613-745-6841 or 1-888-362-1770 to obtain permits.

Hydro One Networks

Customer should be advised that they will now have a private primary connection crossing two separate parcels of land. If no easement is retained for the private primary service on the northern parcel being retained, the land owner on the southern parcel may have their power disconnected in the northern parcel owner does not want the primary conductor crossing their lands.

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

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 5.56-ha residential lot with an existing dwelling located at 12921 Highway No. 7 and to retain a 13.7-ha vacant landholding with existing large billboard structures. Two previous consents were granted from the original parcel in 2008 – one was for a lot addition and one was for a new lot.

The subject lands are located in an area characterized by rural development and vacant lands on large lots along Highway No. 7. A considerable portion of the lands are within the Scotch Corners Wetland Complex, which does not permit any development or site alteration. These lands also contain organic soils which presents development issues.

The severed lands are currently developed and the retained lands have no built development but are used to display a number of large scale billboard signs. These signs are accessed via the existing field entrance. The applicant has no plans for any further development on these lands and is aware that the Township, MVCA and this office are recommending that the lands be re-zoned to establish a 'holding' zone.

Road Access

The lands are accessed via Highway No. 7, a Provincially maintained road.

Soils Inventory

– Name: Retained lands – Muck / Severed lands – Tweed

Bedrock Inventory – diorite, gabbro, peridotite**Source Water Protection**

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

Deer Yard

The subject property is located within the locally known "Scotch Corners 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).

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. 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. Additional lots may be granted in Rural Communities or Waterfront Communities where the lots to be created would constitute infill. Additional policies also apply, e.g. requirement for hydrogeological and terrain analysis. 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. (NOTE – THE OMB gave an oral decision approving the settlement of the appeal – the new policies took effect August 4, 2016. The new policies only apply to those applications deemed complete after that date.).
3. Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

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 – October 17, 2016**

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

Ms. Zander advised that the retained lands have 'billboards' constructed on them which he wishes to maintain. Also noting that the applicant is aware that he will not be able to build a residential dwelling on the lot unless he can satisfy the conditions of the 'holding' symbol, i.e. entrance, EIS, suitable building envelope, etc.

No public comments were received on this application so there was no effect on the decisions.

Committee reviewed the staff report and draft conditions. The conditions were revised to include a condition that a 'clearance letter' be received from HONI for the easement crossing the retained lands to service the severed lands.

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.

B16/086

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The deed of land required by condition #1 above shall provide for an appropriate easement for hydro to the severed lot.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.

6. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
8. 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.
9. The lot to be retained shall be re-zoned to provide for a holding symbol "H" in conjunction with the current use designation in accordance with Section 36.(1) of the *Planning Act*. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
10. The re-zoning shall include conditions to be addressed in order for the 'holding' symbol to be lifted for any new development or site alteration, as outlined by the Conservation Authority in their report of August 23, 2016.
11. The re-zoning shall include following a statement to the effect that in accordance with Ministry of Transportation Policy, the lands are not eligible for any other entrance other than a field entrance that currently exists. The Ministry will not grant a residential or commercial entrance to the lands.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.
13. A letter shall be received from the Mississippi Valley Conservation Authority stating that condition #10 has been fulfilled to their satisfaction.
14. A letter shall be received from Hydro One stating that condition #3 has been fulfilled to their satisfaction.

NOTES

1. *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.*
2. *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.*
3. *The Mississippi Valley Conservation Authority advises that pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit shall be obtained from MVCA prior to the initiation of any interference within the Regulation Limit (i.e. within 120 m) of the PSW, or for any alterations to the watercourse which flows through this wetland.*
4. *The applicant shall advise any prospective purchase of the retained lands that the Ministry of Transportation will not grant a residential or commercial reentrance to the retained parcel under any circumstances.*
5. *The Leeds Grenville and Lanark District Health Unit advises that much of the retained lands is unusable for on-site sewage disposal, but there may be a suitable*

building sites on the eastern half of the property. Imported leaching bed fill would be required to construct a conforming septic system.

6. Source Water Protection

The applicant is advised that the severed and retained parcels are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: www.mrsourcewater.ca.

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: Harold & Judith Fisher	Hearing Date: October 17, 2016
Applicant/Agent: Harold & Judith Fisher	LDC File #: B16/076
Municipality: Drummond / North Elmsley	Lot: 3 Conc.: 8
Geographic Township: North Elmsley	Consent Type: new lot
Roll Number: 0919 908 010 43507	

Purpose and Effect:

To sever a 3.7-ha residential building lot and retain a 21.0-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	3.67-ha	21.0-ha
Frontage	183 m	333 m
Depth	201 m	528 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed Well	Private Well
Sewage Disposal	Proposed Septic	Proposed Septic
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.

2.1 Natural Heritage

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

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

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

2.2 Water

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

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

3.1 Natural Hazards

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

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

County Official Plan –Section 3.0 Rural Policies, Section 4.3.4 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 3.5 Buffering, Section 3.11 Influence Areas, Section 4.3 Rural Policies, Section 4.8 Aggregate Resources, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

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

The Township of Drummond / North Elmsley advises that the proposal complies to 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 one 3.7 ha from a larger landholding on Glenview Road and retain a 21 ha lot. The severed lot, situated at a central point on the property's Glenview Road frontage, is vacant and consists of a mix of field and woods. The retained lot is vacant (with a driveway and well) and is also mostly open, with scattered woodlands. The lot is bounded at its south end by the Ford Municipal Drain. According to the information provided, this lot of record was subject to a previous consent application in 2010 whereby the lands to the south were severed as a separate lot. Given this history, this severance could be considered according to the Township's lot creation policies. The severed and retained lands all front on a publicly owned and maintained road.

Policy Review

All new lot creation must comply with the Township's and County's Official Plan and be consistent with the 2014 Provincial Policy Statement. Staff reviewed this application against the policies of the Township's Official Plan and Zoning By-law 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. This application contemplates one new lot on a section of Glenview Road that is primarily rural in character, with a landscape consisting of pasture, scattered woodlands and scattered residential development. The creation of a relatively large lot, in a location that does not appear to constrain any existing or anticipated future land uses, is considered to be compatible with the existing landscape character.
- Sec. 4.3.2 (Agriculture): This section promotes development in rural areas that minimizes incompatibility between agricultural and non-agricultural sensitive land uses. In this case, according to information provided, a livestock barn has been

identified within 457 m of the proposed severed lot. Future development on the severed or retained lands may need to be supported by a Minimum Distance separation calculation however it is noted that there is a substantial amount of space on both lots that exceed a 500 m setback from the facility. While not provided for in policy in the Official Plan, staff note that the applicant should be aware of the municipal drain and potential obligations under the *Drainage Act* that may arise.

Sec. 3.13.3 (Natural Heritage Features): Potentially significant woodlands are identified on a portion of the retained lands. While this section does not allow development within or adjacent these woodland features unless it is demonstrated that there are no negative impacts on the features for which the areas are considered significant, staff note that a significant area of the property is outside this feature and its adjacent lands.

- Sec. 5.3 (Local Roads): Glenview Road is a Township owned and maintained road intended to serve primarily a low amount of traffic that has its origin or destination on this road and other local roads. It is felt that one additional severance would not have a significant impact on the existing municipal infrastructure.
- Comprehensive Zoning By-law: The severed lands and the retained lands are zoned Rural and the creation of the proposed lot is consistent with that zoning. The severed and retained lands all comply with the lot size and frontage provisions of the By-law.

Conclusion and Recommendation

In conclusion and for the reasons outlined above, staff are of the view that Consent Application B16/076 is supportable as submitted in terms of compliance with the Township's planning policies and as such the Township does not object to its approval,

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 a residential entrance is viable for the severed land retained lands. The applicant shall consult directly with the Township in this regard.*
- 4) *The Applicant shall obtain a Civic Address Number from the Township of Drummond/North Elmsley for the severed lot. The applicant shall consult directly with the Township in this regard.*
- 5) *The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:
TAKE NOTICE that this lot is located within an area where agricultural uses predominate and as such it may be exposed to impacts typically associated with such a use, including smell. Prior to the construction of a single family dwelling, the Owner shall be required to demonstrate*

- locational compliance with the Minimum Distance Separation guidelines.*
- 6) *The Applicant shall register Notice on Title and in all Agreements of Purchase and Sale the following wording:
TAKE NOTICE that this lot is located within an area served by the Ford Municipal Drain. As such, property owners may be required from time to time to contribute financially to the upkeep of the drainage works as per the Drainage Act.*
- 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 – Rideau Valley Conservation Authority

The Rideau Waterway Development Review Team (RWDRT) has reviewed the noted application on behalf of the Rideau Valley Conservation Authority (RVCA) within the context of:

- Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act.
- Rideau Valley Conservation Authority regulation 174-06-Section 28 of the Conservation Authorities Act

The Proposal

New residential lot, 3.67 hectares in size is to be created, retaining 21 hectares.

Considerations and Recommendations

Regarding *Rideau Valley Conservation Authority* considerations, there are no natural heritage features and no natural hazards which would be negatively impacted as a result of this consent. We have no objection.

We note that the Cando Campbell Municipal Drain flows through the retained lands and is subject to our Ontario Regulation 174/06. For information/reference, approval from the RVCA would be required prior to straightening, changing, diverting or interfering in any way with the channel of the drain.

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

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed Land – Approximately a 9 acre parcel of land consisting of mixed vegetation, bush land. Soil depth, drainage and slope variable. Recommendation – additional sandy loam fill may be required to construct future septic system (tile bed). Amount required will depend on exact location of septic system.

Retained lands – Approximately a 52 acre vacant parcel of land consisting of mixed vegetation, bush land and agricultural land. Some areas are subject to seasonal high water table. Slope, drainage and soil depth variable.

Recommendation – additional sandy loam fill may be required to construct future septic system (tile bed). Amount required will depend on exact location of septic system.

Hydro One Networks – No comments were received.

Bell Canada R-O-W

Upon review of the proposed severance application, Bell Canada confirms that we have existing installations over the subject lands which are protected by existing easements registered as Instrument #5364, more particularly described as Pt. Lot 3 Con 8 North Elmsley being Parts 1 and 2 on 27R-9924. Therefore Bell Canada confirms that our existing easement rights must be maintained and that we will not require any additional easement protection.

(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 3.67-ha residential building lot and to retain a 21-ha landholding. Both lots are currently vacant. One previous consent was taken from the original parcel by Application No. B2010/084.

The subject lands are located in an area characterized by rural lot development on large lots along Glenview Road north, denser development occurs on Glenview Road south. The lands are in proximity to The Swale Wetlands Complex a Provincially Significant Wetland. A small aggregate area is located of the lands to the south, as well as the Ford (Cando Campbell) Municipal Drain.

Agricultural Operations

Due to an agricultural operation being located in proximity to the proposed consent (owner – Geoffrey Bennett), the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 250m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 457m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Road Access

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

Soils Inventory

- Name: North Gower
- Stoniness: non stony
- CLI: 2 – moderate limitations
- Drainage: poorly drained
- Hydrogeology: 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:

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. 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 retained lands have been mapped as 'woodlands' in the north east corner, care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of 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 – October 17, 2016

Harold and Judith Fisher, owners attended the hearing and gave evidence under oath.

Mr. Fisher advised that the location of the proposed lot is to avoid the municipal drain and to provide for a better building site. (Lot is on crest of knoll.)

No public comments were received on this application so there was no effect on the decisions.

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.

B16/076

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is within an area where agricultural uses predominate and as such may be exposed to impacts typically associated with such use, including smell. Prior to the construction of a single family dwelling, the owner shall be required to demonstrate locational compliance with the Minimum Distance Separation guidelines".

4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is located within an area served by the 'Ford Municipal Drain'. As such, property owners may be required from time to time to contribute financially to the upkeep of the drainage works as per the *Drainage Act*."
5. The deed of land required by condition #1 above shall recognize any easements that currently exist. In particular Bell Canada, Instrument #53564, Pts. 1 and 2 on Plan 27R-9924.
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 Drummond / North Elmsley.
7. The applicant shall provide the Township of Drummond / North Elmsley with a paper copy and digital copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
8. 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.
9. 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.
10. 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.
11. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #6 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark Health Unit advises that additional sandy loam fill may be required to construct future septic system (tile bed) on both the severed and retained lands.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Rideau Valley Conservation Authority advises that the Ford (Cando Campbell) Municipal Drain flows through the retained lands and is subject to Ontario Regulation 174/06. For information/reference, approval from the RVCA would be required prior to straightening, changing, diverting or interfering in any way with the channel of the drain.*

4. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
5. *The Applicant shall include in all Agreements of Purchase and Sale the following wording:
"TAKE NOTICE that this lot is located within an area where agricultural uses predominate and as such is may be exposed to impacts typically associated with such a use, including smell. Prior to the construction of a single family dwelling, the Owner shall be required to demonstrate locational compliance with the Minimum Separation guidelines."*
6. *The Applicant shall include in all Agreements of Purchase and Sale the following wording:
"TAKE NOTICE that this lot is located within as area served by the Ford Drain. As such, the Owner may be required from time to time to contribute financially to the upkeep of the drainage works as per the Drainage Act."*
7. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
8. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

The Ministry of Natural Resources and Forestry continues to encourage ecological site assessments to determine the potential for SAR occurrences. When a SAR does occur on the site, it is recommended that the developer contact 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: 980698 Ontario Inc.	Hearing Date: Sept 6, 2016
Applicant/Agent: Mervyn Downey	LDC File #: B16/082
Municipality: Mississippi Mills	Lot: 12 Conc.: 11
Geographic Township: Pakenham	Consent Type: new lot
Roll Number: 0931 946 025 07700	

Purpose and Effect:

To sever a 0.71-ha residential building lot and retain a 14.76-ha landholding with an existing machine shed located at 198 Waba Road.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Machine Shed
Proposed Use	Residential	Future Residential
Area	0.71-ha	14.76-ha
Frontage	30 m	605 m
Depth	143.2 m	289.5 m
Road - Access to	County Road	County Road
Water Supply	Proposed Well	Proposed well
Sewage Disposal	Proposed Septic	Proposed Septic
Zoning By-law Category	Residential First Density	Development Exception
-Area (minimum)	0.2-ha	14.76-ha
-Compliance?	Yes	Yes
-Frontage (minimum)	30 m	605 m
-Compliance?	Yes	Yes

Official Plan Designation: Residential (settlement area)

Conformity: Yes

(a) APPLICATION REVIEW

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

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

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

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

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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 2.0 Settlement Policies, Section 4.3.2 County Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau

Source Protection Plan, Section 8.2.2 Consents.

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

Local Official Plan - Section 2 Basis of Plan, Section 3.1.2 Environmental and Natural Heritage Features, Section 3.4 Rural Settlement Areas and Villages, Section 3.6 Residential, Section 4 General Policies, Section 4.6.3 County Roads, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law - Section 6 General Provisions, Section 8 Residential Provisions, section 13 Residential First Density, Section 40 Development.

The Municipality of Mississippi Mills advises that the proposal has been rezoned through By-law No 16-85 to recognize the reduced lot are and lot frontages.

(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 Planning Report -

The applicant has submitted a Consent application to the County of Lanark requesting to sever a ± 0.71 ha (1.75ac) residential building lot and retain a ± 14.76 ha (36.47ac) land holding containing a machine shed. The proposed severed lot would have a frontage of ± 30 m (98.4ft) along Waba Road, while the intended retained lot would maintain ± 483.55 m (1,586.5ft) of frontage along Waba Road. Sketches of the proposed lots are contained within the Appendix to this report.

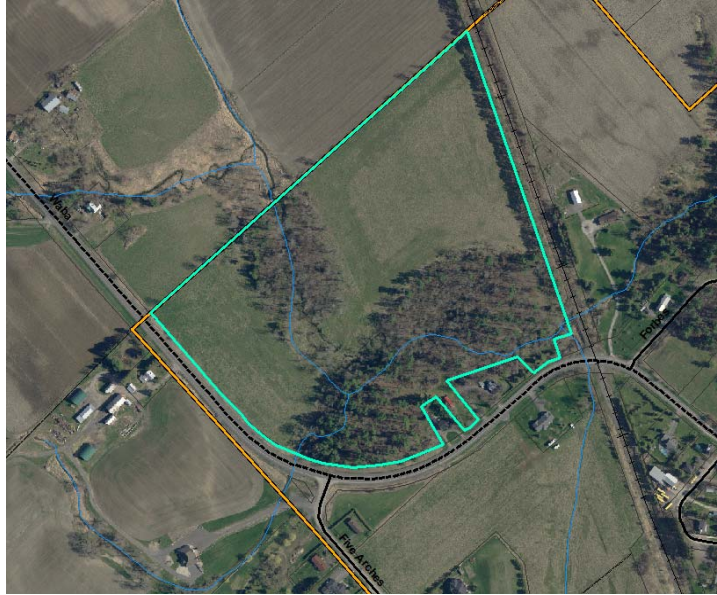
A residential lot was recently severed from the subject property along Waba Road through Land Division Committee File No. B15/053 (198 Waba Road) and this lot and the proposed severed lot were rezoned to the "Residential First Density (R1)" Zone by the Municipality of Mississippi Mills on June 28th, 2016, to allow for the lots to be used for residential purposes. There were no appeals filed and the by-law is in full force and effect.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located on the northeast side of Waba Road, at the extreme northwest corner of the Village of Pakenham settlement area boundary. The property is ± 15.47 ha (38.22ac) in lot area and has a lot frontage of ± 554.1 m (1,817.9ft) along Waba Road. The property is currently occupied by a machine shed, two (2) unclassified wetlands and two (2) small watercourses that flow through the property.

The property is generally surrounded by agricultural properties to the north and west, the "Pakenham Highlands Golf Club" and rural properties to the south, and the Village of Pakenham downtown to the east. The property is also bounded by the abandoned railway line to the east. The location of the subject lands within the Municipality is depicted in the following figure:

Figure 1. – Aerial Photo (2014)



SERVICING & INFRASTRUCTURE

The subject property is not serviced and has frontage onto Waba Road, a County owned and maintained public road. The proposed severed lot would be serviced by private well and septic services and have driveway access from Waba Road. A residential entrance permit has been provisionally approved by the County of Lanark's Public Works Department through County Road Entrance Inquiry No. 2573.

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 subject property is designated "Residential" in the Municipality's Community Official Plan (COP), with the proposed severed lot already zoned "Residential First Density (R1)" by Zoning By-law No. 16-65. The COP identifies the Village of Pakenham as a "settlement area" suitable for residential development. As such, this property has been identified as suitable for low density residential intensification.

COMMUNITY OFFICIAL PLAN

Residential Designation

The subject property is designated "Residential" in the Municipality's COP. This designation permits low and medium density residential uses as well as associated

accessory uses.

Section 3.6.1 of the COP contains various objectives intended to implement a goal of a balanced supply of housing within the Municipality.

The proposal would allow for a new residential lot to be created and would thereby increase the residential density of the property.

The proposed severed lot will be serviced by private well and septic services, while the proposed retained lot is intended for future residential development. 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 severed parcel. The owner will be required to receive necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

The dimensions and area of the proposed severed lot are comparable in size and frontage to many of the lots in the surrounding area and meet the minimum performance standards of the R1 Zone. In addition, the proposed development of the severed lot is subject to Site Plan Control approval from the Municipality to ensure compatibility with the surrounding neighbourhood in terms of urban design. Therefore, Staff believes that the proposal is compatible with the surrounding lands uses in terms of design.

Section 3.6.16 of the COP states that the vacant lands designated Residential in the Village of Pakenham that abut the surrounding Agriculture designation lands shall develop on full municipal services by way of plan of subdivision. Given that the property no longer contains a detached dwelling as a result of the severance of 198 Waba Road, it would appear that a second residential severance for a new building lot on private services would not be permitted. The intent of the policy is to ensure that the majority of the property is developed in accordance with a residential plan of subdivision on full municipal services in order to lessen the environmental impact and optimize the development potential of the lands that do not contain suitable frontage and safe access onto an open and maintained public road.

Through discussions with the Municipality's Planning Consultant (J.L. Richards & Associates Ltd.) and solicitor, it was determined that the proposed second residential severance would not infringe upon the intent and purpose of this policy. If the intent of the policy was to prohibit the creation of lots by Consent on private services within the Village of Pakenham, there should have been a prohibition located within this section or within the General Lot Creation Policies section (Section 5.3.11.1) of the COP. This section is silent on the creation of lots by Consent on private services. As such, the policy is intended to apply "if" the retained lands are being developed in accordance with a residential plan of subdivision, that they must be developed on full municipal services.

General Consent Policies

The COP provides further direction regarding lot creation in Section 5.3.11.2 entitled "General Consent Policies". This section states that the Municipality shall support the creation of new lots by Consent when a number of criteria are satisfied. The following provides an analysis of the proposal against the applicable criteria:

As the proposal is to create one (1) additional residential building lot along an existing and maintained public road that has the lot area necessary to be developed on private services, a plan of subdivision would not be required.

The proposal represents intensification in an existing built up area within the Village of Pakenham settlement area.

The dimensions and area of the proposed severed lot is comparable in size and frontage to many of the lots in the surrounding area and meet the minimum performance standards of the R1 Zone. As noted, the proposed development of the severed lot is subject to Site Plan Control approval from the Municipality to ensure compatibility with the surrounding neighbourhood in terms of urban design.

The creation of one (1) additional lot would not negatively impact traffic in the area. As the property has been identified as suitable for private servicing, the proposal will not impact municipal services.

The applicant has noted that just like the first severed lot, the second severed lot would be kept to a minimum size needed to accommodate a detached dwelling, well and septic systems in order to dedicate as much land as possible for the development of a residential subdivision. While the second severed lot would be approximately 0.75 acres (0.31ha) larger in size, the applicant has noted that the reason for the increase is due to the gully (i.e. shallow creek) that cuts through the front portion of the lot as well as a 30ft wide Bell easement located along the entire easterly lot line of the property. The applicant has estimated that approximately the first 0.5 acres (0.2ha) of the lot cannot be developed due to the presence of the gully and that the Bell easement takes up approximately 0.25 acres (0.1ha) of the east side of the property, so in order to allow a minimum of 1 acre (0.4ha) for the detached dwelling, well and septic systems the applicant has increased the proposed lot area by 0.75 acres (0.3ha). ±13.3m (43.6ft) of frontage along Waba Road has also been left for a pedestrian pathway for the future development of the retained lands. Therefore, the application represents an orderly and efficient use of land that would not hinder the development of the retained lands.

The proposed development is not considered strip development as the proposal involves the creation of one (1) residential building lot.

The proposal satisfies all other relevant policies of the COP.

ZONING BY-LAW #11-83

The subject property is currently zoned "Development Exception 11 (D-11)" and "Residential First Density (R1)" by the Municipality's Comprehensive Zoning By-law #11-83. The D-11 Zone limits the uses, buildings and structures to what legally existed on the effective date of the zoning by-law. In addition, it limits the minimum lot area and lot frontage to what currently exists. The R1 Zone permits a detached dwelling and accessory uses. The proposed severed lot was rezoned to the R1 Zone by Zoning By-law No. 16-65 in order to facilitate the subject Consent application, while the proposed retained lot was rezoned to the D-11 Zone in order to recognize its reduced lot area and lot frontage as a result of this proposed severance.

The following table shows that the proposed retained and severed lots comply with the minimum lot area and lot frontage requirements of their respective D-11 and

R1 Zones:

Table 1: R1 and D-11 Zone Provisions vs. Proposed Lot Specifications

ZONING BY-LAW #11-83 PROVISIONS	D-11 ZONE	PROPOSED RETAINED LOT	R1 ZONE (NO MUNICIPAL WATER OR SEWER)	PROPOSED SEVERED LOT
Minimum Lot Area (m ²)	Existing (±147,600)	±147,600	2,000	±7,100
Minimum Lot Frontage (m)	Existing (±605)	±605	30	±30

CONCLUSION

As the subject Consent proposal involves the creation of a new residential lot of a comparable size and frontage to that of surrounding properties in an area deemed appropriate for low density residential intensification, Staff views the proposed Consent application to be a logical form of development that would not detract from the character of the surrounding neighbourhood. Furthermore, Staff is of the opinion that the proposal conforms to the Residential and Consent policies of the Community Official Plan, is 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 applicant provides two (2) copies of the registered reference plan to the Municipality;
2. That the applicant provides a digital copy of the registered reference plan in .DWG and .PDF file formats;
3. That cash-in-lieu of parkland be paid in accordance with the Municipality's Cash-In-Lieu of Parkland/Parkland Conveyance By-law;
4. That the owner enters into a Site Plan Agreement or a Development Agreement with the Municipality to be registered on title of the lands for the development of the severed lot;
5. That the applicant obtains a civic address number for the severed lot; and,
6. That the owner pays any outstanding property taxes on the subject property.

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring 0.71 ha, and retain a lot, with a machine shed, measuring 14.76 ha.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, an unnamed tributary of the Mississippi River flows through a valley on the severed and retained lands. Also, a branch of this tributary flows through the severed lands, and a second branch flows through the retained. Culverts were observed directing the flow under the closed railway line, which is located along the eastern property line of the severed lands. On the retained lands, we note that the main tributary also flows through a section of unclassified wetland.

REVIEW

Natural Heritage Values

Wetland

We understand that the aforementioned wetland has 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. Sufficient area appears to exist on the retained lands for future development that complies with this recommendation. Wetland was not identified on the severed lands.

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 retained lands for future development that complies with the recommended setback from the watercourses. With respect to the severed lands, it appears that development would have to occur to the rear of the property, on the opposite side of the valley. Therefore, a crossing would be required to access a building envelope. Due to the large upstream area and the size of the existing downstream culverts, we recommend that an engineered design be provided for any proposed crossing at this site. The design should include a hydrological and hydraulic analysis study prepared by a professional engineer. The study must demonstrate that the crossing will safely convey the upstream flows and not result in negative impacts such as flooding or erosion.

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:

Retained lands:

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

Severed lands:

1. Future development, including a septic system shall be setback a minimum of 30 m from the watercourses.
2. The shoreline vegetation surrounding the watercourses shall be retained to a minimum depth of 15m.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the watercourses or onto adjacent properties.
4. 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. In order to create a watercourse crossing to access a building envelope at the rear of the lot, an engineered design is required to demonstrate that there will be no impact to the capacity and conveyance of flow in the watercourses identified. The study should also demonstrate that the crossing will not result in negative impacts such as flooding or erosion.

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 unnamed watercourses.

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, 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.

Lanark County Public Works

Applicant has an approved existing entrance to the County road for the retained lands. Permit #2529.

Applicant has an approved location permit to the County Road for the severed lands. Permit #2573.

Entrance to be installed prior to deed endorsement.

Road Widening is not required.

Standard conditions for Road Closing, approvals and documentation to apply.

Septic Office – Leeds Grenville and Lanark District Health Unit

Severed lands – Lot is drained by a small creek that bisects it. Clayey soil with varying depth. Partially cleared lot with small drainage ditch running through it at the bottom of a gully. Recommendation – this lot would be large enough to accommodate on-site sewage disposal, but imported leaching bed fill would be required to construct a conforming septic system.

Retained lot – good drainage to creek in centre of the property. Clay loam soil of varying depths. Pasture and some wooded areas. Recommendation – large area mostly pasture. Severing this land would not negatively impact protection for on-site sewage disposal on this land.

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 0.71-ha residential building lot and retain a 14.76-ha landholding with an existing machine shed located on it. One previous consent was taken from the original parcel in 2015 and one older consent was taken from the lot prior to 1972. A 'Bell' transmitting box is located in the south east corner of the lot.

The subject lands are located in an area characterized by typical hamlet type residential on the outskirts of Pakenham Village. The effect of the lot creation is considered 'infill', a process recommended by the PPS. The abandoned rail line runs along the easterly boundary of the lot and the Five-Arches Non-Profit Housing is to the south of Waba Road.

Road Access

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

Source Water Protection

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

Natural Heritage

A tributary to the Mississippi River runs through the lands. The MVCA has identified setback and development requirements to be included with a Site Plan or Development Agreement.

Soils Inventory

- Name: Rideau
- Stoniness: non- stony
- CLI: 3 – moderately severe limitations
- Drainage: imperfectly
- Hydrogeology: moderate

Bedrock Inventory – conglomerate, sandstone, shale

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:

Flooded Jellyskin (THR)

Official Plan Policies

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

be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Municipality of Mississippi Mills.

Zoning

The subject property has recently been re-zoned to accommodate the development proposal. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

Conclusion

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

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

(e) MINUTES – October 17, 2016

Mervyn Downey, applicant attended the hearing and gave evidence under oath.

No public comments were received on this application so there was no effect on the decisions.

Committee reviewed the staff report and draft conditions. The conditions were revised to indicate that the Development Agreement was intended to be only for the 'severed' lands.

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.

B16/082

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division

Committee with a digital copy of the registered reference plan.

3. The deed of land required by condition #1 above shall recognize any easements that currently exist.
4. 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.
5. The applicant shall provide the Municipality of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant to provide a digital copy of the registered reference plan in a .DWG and .pdf file format to the Municipality of Mississippi Mills.
7. 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.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Municipality of Mississippi Mills to be registered on title of the severed lands. The wording of the agreement shall be acceptable to the Municipality and the Conservation Authority and shall address the development of the lands and the concerns of the Conservation Authority as outlined in their report of August 25, 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.
9. That the applicant enter into a Site Plan Agreement or a Development Agreement with the Municipality of Mississippi Mills to be registered on title of the lands to be severed to address development of the severed lot. The applicant shall consult directly with the Municipality of Mississippi Mills in this regard.
10. 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.
11. The applicant shall provide the Lanark County Public Works Department with a copy of all reference plans associated with this application if survey is required by the Land Titles Office.
12. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
13. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the Municipality of Mississippi Mills, if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
14. Approvals & Documentation: The reference plan must be approved by the Lanark

County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.

15. A letter shall be received from the Mississippi Valley Conservation Authority stating that condition #8 has been fulfilled to their satisfaction.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #11 through #14 has been fulfilled to their satisfaction.
17. A letter shall be received from the Municipality of Mississippi Mills stating that condition #4 through #10 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 unnamed watercourses.*
2. *Consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca should be undertaken prior to conducting any work within the wetlands, unnamed watercourses, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
3. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill would be required to construct a conforming septic system and the severed and retained lands.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. Source Water Protection
The applicant is advised that the severed and retained parcels are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: www.mrsourcewater.ca.
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: Eric Pugh	Hearing Date: Oct. 17, 2016
Applicant/Agent: Adam Kasprzak Surveying Ltd. (Diane Kenopic)	LDC File #: B16/089 & B16/090
Municipality: Lanark Highlands	Lot: 20/21 Conc.: 10
Geographic Township: Darling	Consent Type: Two (2) new lots
Roll Number: 0940 944 020 28510	

Purpose and Effect: To sever two (2) residential building lots (1.9-ha and 2.0-ha) and to retain a 1.9-ha residential building lot.

DETAILS OF PROPOSAL	Lands to be Severed B16/089	Lands to be severed B16/090	Retained Lands
Existing Use	Vacant	Vacant	Vacant
Proposed Use	Residential	Residential	Residential
Area	1.9-ha	2.0-ha	1.9-ha
Frontage	147 m	112 m	323 m
Depth	142 m	191 m	215 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	Lake Development	Lake Development	Lake Development
-Area (minimum)	1.0-ha	1.0-ha	1.0-ha
-Compliance?	Yes	Yes	Yes
-Frontage (minimum)	50 m	50 m	50 m
-Compliance?	Yes	Yes	Yes

Official Plan Designation: Lakefront Development

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.

2.6 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 8.2.2 Consents.

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

Local Official Plan – Section 3.1 Waterfront Communities, Section 5.3.2 Provincial Significant Wetlands, Section 5.3.6 Deer Yards, Section 7.4.3 Local Roads, Section, Section 8.4.2 Consents.

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

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

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

(b) **AGENCY REVIEW**

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

Township Planning Report -

An application has been received from the County of Lanark Land Division Committee to sever two residential building lots; a 4.69 acre (1.9 hectare) lot and a 4.94 acre lot, and to retain a 4.69 acre (1.9 hectare) residential building lot. The property is legally described as Pt. Lot 20/21 Concession 10, geographic Township of Darling, now in the Township of Lanark Highlands, municipally known as 186 Cedar Cove Road. Access is via Cedar Cove Road and McAllister Road.

PROVINCIAL POLICY

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Per Section 3(5) (a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS.

The following is a list of applicable sections of the PPS, as well as a review of the proposal in consideration of 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 two (2) rural-residential building lots could be considered "limited residential development", and this development would be compatible with the rural character of the surrounding area as there are a number of rural-residential properties located in the immediate area. The proposed severed lots would be serviced by private well and septic services.

Based on the above, staff is of the opinion that the proposal is consistent with the policies of the PPS.

OFFICIAL PLAN

Consent applications must be evaluated with the policy directives of Section 8.4.2, which provides direction for the division of lands within the Township. This application meets the requirements of the Township's Official Plan including in terms of lot sizes and frontage.

ZONING

The subject property is zoned as Lakefront Development (LD) in the Township's zoning by-law. The proposed lots exceed the minimum frontage and area requirements of the LD zone and meet all other provisions of the Zoning By-law.

INTERNAL STAFF REVIEW

Staff reviewed the application. No comments were received.

DISCUSSION

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

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

1. 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 5% cash in lieu of parkland dedication fee.
5. That sufficient lands be deeded to the Township of Lanark Highlands along the frontages of the lots to be severed 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 that the municipality has a good and marketable title. The Township Superintendent of Public Works should be consulted prior to commencing a survey to determine the amount of road widening required.
6. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
7. The applicant shall obtain an entrance location permit from the Township.

Septic Office – Leeds Grenville and Lanark District Health Unit

B16/089 – A 1.9 hectare parcel of vacant wooded land with outcroppings of rock. Land has gentle slopes. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

B16/090 – A 2.0 hectare parcel of vacant wooded land with outcroppings of rock. Land is gently sloped. There is a small building on site served by an outhouse only. Has gentle slopes. Recommendation – additional sandy loam fill will be

required in the area of the future tile bed.

Retained Lot – A 1.9 hectare parcel of vacant wooded land with rock outcrops. The land is gently sloped. Recommendation – Additional sandy loam fill will be required in the area of the future tile bed.

Hydro One Networks – No comments were received.

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

(c) PUBLIC INPUT

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever two (2) residential building lots (1.9-ha and 2.0-ha) and retain a 1.9-ha residential building. Both lots are currently vacant.

The subject lands are located in an area characterized by seasonal mixed with full-time residential development along the shore of White Lake. Cedar Cove Resort (Tent and Trailer Park – approx. 200 sites) is located to the west and a municipally owned Community Centre is adjacent to the northwest.

The lands are not located within a Conservation Authority area and are located in proximity to the White Lake Wetland Complex (PSW and ANSI).

Considerable residentially development has occurred in this area. Committee may wish to consider the requirement for a well to be drilled on one of the lots, however all three lots exceed the MOECC recommended lot size of 1 hectare as acceptable to accommodate both a well and septic system without risk to adjacent properties.

Road Access

The lands are accessed via Cedar Cover Road and McAllister Road, both municipally maintained roads.

Archaeological Resources

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

Deer Yard

The subject property is within proximity of a 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).

Soils Inventory - Name: Tweed

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 indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

Flooded Jellyskin (THR)

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. 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. Additional lots may be granted in Rural Communities or Waterfront Communities where the lots to be created would constitute infill. Additional policies also apply, e.g. requirement for hydrogeological and terrain analysis. 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. (NOTE – THE OMB gave an oral decision approving the settlement of the appeal – the new policies take effect August 4, 2016. The new policies only apply to those applications deemed complete after that date.).
- 3 Woodlands
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Lanark Highlands.

Zoning

The subject property is currently within the lakefront development section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot 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 Lanark Highlands and could be given favourable consideration.

(e) MINUTES – October 17, 2016

Eric Pugh, owner attended the hearing and gave evidence under oath.

Mr. Pugh questioned the 5% cash-in-lieu condition and was advised that the Township fee is \$200.00 per new lot which is for the purpose of parklands and upgrades to existing parklands.

No public comments were received on this application so there was no effect on the decisions.

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.

B16/089 and B16/090 – same conditions to apply to both.

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. 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.

5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. 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.
8. The applicant shall obtain an entrance location permit. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed on both the severed and retained lands.*
2. *The applicant is advised that the lands are within proximity of 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.*
3. *The applicant is also advised that where lands are within proximity of a recognized "Wintering Area – Deer Yard" that landowners are encouraged to keep domestic pets (dogs) leashed or penned at all times.*
4. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
5. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of*

Consumer and Commercial Relations.

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

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

The Ministry of Natural Resources 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: Willis Robinson	Hearing Date: Oct. 17, 2016
Applicant/Agent: Gayle Doxtater	LDC File #: B16/087
Municipality: Mississippi Mills	Lot: 6 Conc.: 8
Geographic Township: Pakenham	Consent Type: Lot addition
Roll Number: 0931 946 015 19100	

Purpose and Effect: To sever a 0.83-ha parcel of land as a lot addition to lands owned by Willis Robinson at Pt. lot 6 Conc. 9 Pakenham – Pt. 2 Plan 26R-3139 and to retain a 39.0-ha landholding with an existing dwelling, barn and outbuildings located at 200 Cedar Hill Road.

DETAILS OF PROPOSAL	Lands to be Severed	Retained Lands
Existing Use	Vacant	Farm Residential
Proposed Use	Lot Addition	Farm Residential
Area	0.83-ha	39.0-ha
Frontage	83.1 m	466.9 m
Depth	151.6 m	617.0 m
Road - Access to	Municipal	Municipal
Water Supply	n/a	Private Well
Sewage Disposal	n/a	Septic System
Zoning By-law Category	Rural	Rural
-Area (minimum)	1.0-ha	10.0-ha
-Compliance?	Lot addition	Yes
-Frontage (minimum)		150 m
-Compliance?		Yes

Official Plan Designation: Rural and Rural with Agriculture 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 Basis of Community Official Plan, Section 3.3 Rural Policies, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to

Sever Land.

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

Zoning By-law – Section 6 General Provisions, Section 7.1 Agricultural and Rural Zones, 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:

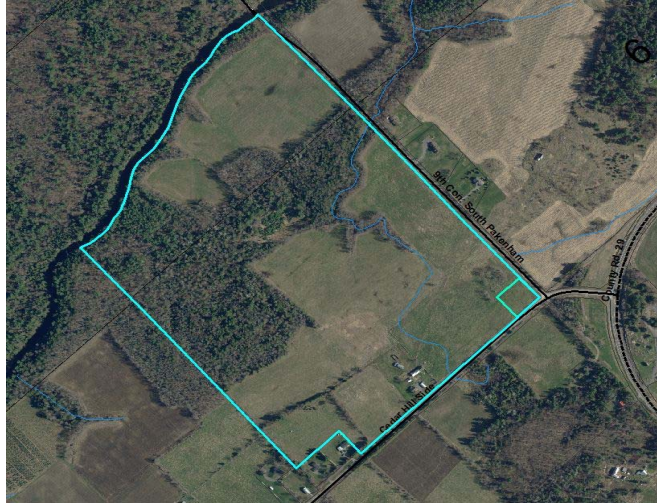
**Municipal Planning Report -
PURPOSE & EFFECT**

Gayle Doxtater (Power of Attorney) has submitted a Consent application on behalf of Willis Robinson to the County of Lanark requesting to sever a ±0.84ha (2.07ac) parcel of land located at 200 Cedar Hill Road as a lot addition to a vacant residential building lot owned by the same owner. The area of the residential building lot would increase to ±1.24ha (3.07ac) and its lot frontages would increase to ±84.45m (277.07ft) along Cedar Hill Road and ±144.59m (474.38ft) along Pakenham Concession 9 South. The proposed severed/retained lot would maintain a lot area of ±54.48ha (134.62ac) and lot frontages of ±499.18m (1,637.74ft) along Cedar Hill Road and ±765.13m (2,510.27ft) along Pakenham Concession 9 South.

DESCRIPTION OF SUBJECT LANDS & SURROUNDING LAND USES

The subject lands are located on the northwest corner of Cedar Hill Road and Pakenham Concession 9 South and in the Ward of Pakenham. The lands to be severed/retained (200 Cedar Hill Road) are currently ±55.32ha (136.70ac) in size and have lot frontages of ±517.48m (1,697.78ft) along Cedar Hill Road ±848.23m (2,782.91ft) along Pakenham Concession 9 South. These lands are bounded by the Indian Creek to the north and are occupied by an old farm house, several barns and other farm buildings, farm fields, wooded areas and a shallow stream. The lands to be enlarged are currently ±0.40ha (1.00ac) in size and have lot frontages of ±66.15m (217.03ft) along Cedar Hill Road and ±61.49m (201.74ft) along Pakenham Concession 9 South. The lands to be enlarged are currently vacant. The location of the subject lands within the Municipality is depicted in the following figure:

Figure 1. Aerial Photo (2014)



The properties are generally surrounded by rural residential properties and rural properties with active farming operations. The properties are designated “Rural” in the Municipality’s Community Official Plan (COP) and zoned “Rural (RU)” by Zoning By-law #11-83.

SERVICING & INFRASTRUCTURE

The lands to be severed/retained are currently serviced by private individual well and septic services and have driveway access from Cedar Hill Road, a municipally owned and maintained road. The lands to be enlarged are vacant, but will also be serviced with private individual well and septic services upon construction of a detached dwelling. The municipal servicing and infrastructure demands will not change as a result of the application.

EVALUATION

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

COMMUNITY OFFICIAL PLAN (COP)

The subject lands are designated “Rural” in the Municipality’s Community Official Plan (COP). The majority of the lands contain the “Rural – Agriculture” overlay, with the exception of its southeast corner and the treed area along the Indian Creek. The lands contain the Rural – Agriculture overlay due to their active agricultural operation and pockets of Classes 1 to 3 soils. Section 3.3.6 of the COP provides the policies for severances and the creation of lots within the Rural designation.

The COP does not speak directly to lot additions between rural agricultural and rural residential properties; however, Subsection 3.3.6.2 states that severances for boundary adjustments between agricultural holdings may be permitted provided that no new lot is created and the size of the lots are appropriate for the type of agriculture proposed. As the subject property is not entitled to any further severed lots and the proposal involves no lot creation, the application would not conflict with this policy or Policy No. 3.3.6.4 regarding the number of permitted rural non-

farm residential lots created by severance per land holding. The existing residential building lot and the severed parcel to be added to this lot do not contain the Rural – Agriculture overlay, so the lot addition would not conflict with the policies regarding the protection of locally significant agricultural operations listed in Section 3.3.4. Therefore, Staff is of the opinion that the proposal conforms to the relevant policies of the COP.

ZONING BY-LAW #11-83

The subject properties are zoned “Rural (RU)” by the Municipality’s Comprehensive Zoning By-law #11-83. The RU Zone permits residential uses such as a detached dwelling and a garden suite, and non-residential uses such as agricultural uses, forestry, home-based businesses and other similar uses.

The development standards of the RU Zone vary depending on whether the use of the land is “Rural”, “Agricultural” or “Non-Farm Residential”. As the lands to be severed/retained (200 Cedar Hill Road) are utilized as part of an active agricultural operation and the lands to be enlarged are intended as a residential building lot, the severed/retained lot would be considered an agricultural lot for zoning purposes and the enlarged lot would be considered a non-farm residential lot. The following table outlines the minimum lot area and lot frontage requirements of the RU Zone for Agricultural and Non-Farm Residential uses against the dimensions of the proposed lots:

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

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT (AGRICULTURAL USE)	SEVERED / RETAINED LOT	BY-LAW REQUIREMENT (NON-FARM RESIDENTIAL USE)	ENLARGED LOT
Lot Area	40ha	±54.48ha	1ha	±1.24ha
Lot Frontage	150m	±499.18m	45m	±84.45m

As noted in the above table, the proposed severed/retained lot would exceed the minimum lot area and lot frontage requirements for an agricultural lot located within the RU Zone and the enlarged lot would exceed the minimum lot area and lot frontage requirements for a non-farm residential lot. As the residential building lot’s area would be increasing from ±0.40ha (1.00ac) to ±1.24ha (3.07ac), the property would no longer be in contravention of the minimum lot area requirement. Therefore, relief from Zoning By-law #11-83 is not required for the proposal.

CONCLUSION

As the proposal involves a lot addition that would result in both lots complying with the Municipality’s Comprehensive Zoning By-law #11-83, Staff views the proposal to be a desirable and logical form of development. Furthermore, Staff views the proposal as conforming to the Rural and Rural – Agriculture policies of the Community Official Plan.

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

1. That the owner pays any outstanding property taxes on the subject properties;

2. That the parcel intended to be severed through application No. B16/087 be conveyed to the lands legally described as Part Lot 6, Pakenham Concession 8, being Part 2 on Plan 26R-3139, and be consolidated with said lands;
3. That the applicant provides two (2) copies of the registered reference plan to the Municipality; and,
4. That the applicant provides digital copies of the registered reference plan in .DWG and .PDF file formats.

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

PROPOSAL

It is our understanding that the purpose of the subject application is to sever one vacant lot measuring 2.07 ac as a lot addition to the adjacent lands. The retained land is 96.42 ac with an existing residence and agricultural buildings.

PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drape Imagery, several pockets of unclassified wetland exist in the northern section of the retained lands. A tributary of Indian Creek flows through the most easterly wetland. No significant natural heritage features or natural hazards were identified on the proposed *severed* lands or lot to be enlarged.

REVIEW

Natural Heritage Values

Unclassified wetland and a watercourse have been identified on the retained lands. MVCA generally recommends a 30 m development setback from these features. Given that the retained lands are already developed with no new development proposed at this time, impacts to these features 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, any potential new 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.

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 wetlands on the retained lands should remain undisturbed. And, shoreline vegetation surrounding the wetlands 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 tributary on the retained lands.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the tributary, 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 Lot – Good drainage due to topography of the lot. Exposed bedrock at the highest point in the centre of the lot with slopes away on all sides. Silty, loam soil. Recommendations – the proposed lot addition would increase the lots capacity for on-site sewage disposal. Imported leaching bed fill would be required to construct a conforming septic system.

Retained Lands – Good drainage, varying soil conditions and depths on this large farm property. Recommendations – Severing this land will not negatively impact on-site sewage disposal for the retained property. No obvious signs of failure of the existing septic system.

Hydro One Networks

Hydro One has Overhead plan near the location, any property changes or modifications should maintain current Hydro One rights and restrictions.

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

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

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 0.83-ha parcel of land as a lot addition to lands owned by Willis Robinson described as E Pt. Lot 6 Conc. 8 geographic Township of Pakenham being Part 2 on Reference Plan 26R-3139 and to retain a 39.0-ha landholding with an existing dwelling, Type II Barn and shed located at 200 Cedar Hill Road.

The lot addition will increase the very small lot from 0.39-ha to 1.22-ha. Which will now comply with the minimum standard according to the Zoning By-law. Two previous consents were granted from the original parcel in 1990. However, this

application is a lot addition and is not affected by the lot creation policies of the Official Plan.

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

Road Access

The severed and enlarged lot is accessed via 9th Con S Pakenham, and the retained lands are accessed via Cedar Hill Road, both municipally maintained roads.

Agricultural Operations

No MDS was undertaken as this application is for a lot addition to an existing lot. However and MDS will be required prior to any residential building permit being issued.

Soils Inventory

	Severed lands	Retained lands
- Name:	Monteagle	Tennyson/Manotick
- Stoniness:	very stony	non-stony
- CLI:	7 – no capability	2 – moderate limitations
- Drainage:	well drained	well drained
- Hydrogeology:	moderate	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 indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

- Flooded Jellyskin (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. 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

Only the rear of the lands to be retained has been mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the 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 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 Municipality of Mississippi Mills and could be given favourable consideration.

(e) **MINUTES – October 17, 2016**

Gayle Doxtater, applicant attended the hearing and gave evidence under oath.

No public comments were received on this application so there was no effect on the decisions.

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.

B16/087

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Willis S Robinson described as E Pt. Lot 6 Conc. 8 geographic Township of Pakenham, now in the Municipality of Mississippi Mills, more particularly described as Part 2 on Reference Plan 26R-3139 and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The deed of land required by condition #1 above shall recognize any easements (registered or unregistered) that currently exist with Hydro One Networks Inc.
5. 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.
6. The applicant shall provide the Municipality of Mississippi Mills with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. 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.
8. A letter shall be received from the Municipality of Mississippi Mills stating that condition #5 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill will be required to construct a conforming septic system on the enlarged lot.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
3. *The Municipality of Mississippi Mills will require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*

4. *The Mississippi Valley Conservation Authority advises that the wetlands on the retained lands should remain undisturbed. And, shoreline vegetation surrounding the wetlands should be retained to a minimum depth of 15 m.*
5. *The MVCA also advise 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 tributary on the retained lands.*
6. *In addition, consultation should be undertaken with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfompo.gc.ca prior to conducting any work within the tributary, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
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: Heinz Wolfe and J Pazdzior	Hearing Date: Oct. 17, 2016
Applicant/Agent: Heinz Wolfe	LDC File #: B16/092
Municipality: Carleton Place	Lot: 25 Plan.: 1222
Geographic Township: Carleton Place	Consent Type: New lot
Roll Number: 0928 010 020 37500	Re-submission of B2012/029 - lapsed

Purpose and Effect: To sever an existing semi-detached dwelling along the centre foundation line of the structure to create two 235.46 sq.m. residential lots.

DETAILS OF PROPOSAL	Lands to be Severed	Retained Lands
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	235.46 sq.m.	235.46 sq.m.
Frontage	7.62 m	7.62 m
Depth	30.49 m	30.49 m
Road - Access to	Municipal	Municipal
Water Supply	Piped Water	Piped Water
Sewage Disposal	Sewage Disposal	Sewage Disposal
Development Permit By-law Category	Mississippi Residential Sector	Mississippi Residential Sector
-Area (minimum)	60% coverage	60% coverage
-Compliance?	Yes	Yes
-Frontage (minimum)	7.5 m	7.5 m
-Compliance?	Yes	Yes

Official Plan Designation: Mississippi District Residential

Conformity: Yes

(a) APPLICATION REVIEW

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

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

Section 1.1.1.b) Accommodating an appropriate range and mix of residential

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

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

Local Official Plan – Section 2.0 Design Framework, Section 3.1 Mississippi District, Section 4.3.3.4 Local streets, 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 4.3 Mississippi District Residential, Section 6.3.3 Development Standards – Semi-detached.

The Town of Carleton Place advises that the proposal complies with the Development Permit By-law.

(b) AGENCY REVIEW

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

Town Planning Report -

A consent application has been received from the applicant in relation to the property known municipally as 125 and 127 McDonald Street The subject lands are legally described as Part Lot 25 Plan 1222.

This consent application is to sever a 235.46m² residential lot, leaving a 235.46m²

portion of retained residential property. The purpose of this severance is to divide the existing semi-detached dwelling into separate ownerships. The demi-detached units were approved through building permit 10N/028.

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.

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 Mississippi Residential Sector (MRS). These severance will allow for the creation of separate ownerships. Both the retained and the severed lots will meet the minimum frontage required under the Development Permit By-law.

This consent application had been brought forward to Council under application B29/2012 and all conditions were satisfied for the Town of Carleton Place. The applicant failed to meet the required conditions for the County of Lanark so the application lapsed. It is being brought back for consideration.

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 compiles a list of conditions that the application must meet before final approval and creation of a new deed.

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 cash-in-lieu of parkland payment of \$640.00 be collected from the applicant.
5. That the applicant shall provide the Town of Carleton Place with a Building

Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both 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

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 an existing semi-detached dwelling along the centre foundation line of the structure to create to 235.46 sq.m. residential lots. This lot was previous severed under application No. B2012/029 which was allowed to lapse. No change is proposed from the previously approved consent application.

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

Road Access

The lands are accessed via McDonald 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 Mississippi residential section of the Development Permit By-law, which permits a number of uses, including single-detached dwellings. The proposed lots meet the minimum frontage and any dwelling constructed on the lands will be required to meet the 60% lot coverage requirement of the Development Permit By-law.

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 – October 17, 2016

Heinz Wolfe, owner attended the hearing and gave evidence by affirmation.

Mr. Wolfe advised that due to unforeseen circumstances he did not complete the application submitted in 2012 and therefore it lapsed.

No public comments were received on this application so there was no effect on the decisions.

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.

B16/092

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any

local improvement charges, if applicable) shall be paid to the Town of Carleton Place.

4. The applicant to provide a digital copy of the registered reference plan in a NAD83 Datum format to the Town of Carleton Place.
5. 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.
6. Payment shall be made to the Town of Carleton Place representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
7. That the applicant shall provide the Town of Carleton Place with a Building Location Survey demonstrating that the lands severed and the lands retained are in compliance with all Development Permit provisions. The Building Location Survey shall also include confirmation for both the severed and retained parcels that there is:
 - Adequate frontage along the maintained road
 - Adequate access along the maintained road.
 - Compliance with the Ontario Building Code.If the plan does not comply with the Development Permit By-law, an application to amend the by-law will be required.
8. A letter shall be received from the Town of Carleton Place stating that condition #3 through #7 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Arvinda Kuriya	Hearing Date: Oct. 17, 2016
Applicant/Agent: William Webster	LDC File #: B16/100
Municipality: Carleton Place	Lot: 11 Plan.: 970 McMillan Survey
Geographic Township: Carleton Place	Consent Type: New lot
Roll Number: 0928 010 015 08200	

Purpose and Effect: To sever a 1,132 sq.m. residential building lot and retain a 2,173 sq.m. residential lot at 331 Bridge Street.

DETAILS OF PROPOSAL	Lands to be Severed	Retained Lands
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	1,132 sq.m.	2,173 sq.m.
Frontage	22.86 m	93.79 m
Depth	49.52 m	52.34 m
Road - Access to	Municipal	Municipal
Water Supply	Proposed Piped	Piped Water
Sewage Disposal	Proposed Sewage	Sewage System
Development Permit By-law Category	Residential	Residential
-Area (minimum)	60% Coverage	60% Coverage
-Compliance?	Yes	Yes
-Frontage (minimum)	10.6 m	10.6 m
-Compliance?	Yes	Yes

Official Plan Designation: Residential

Conformity: Yes

(a) APPLICATION REVIEW

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

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

Section 1.1.1.b) Accommodating an appropriate range and mix of residential

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

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

Local Official Plan - Section 2.0 Design Framework, Section 3.5 Residential District, Section 4.3.3.4 Local streets, 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 6.3.1 Development Standards – Single Detached.

The Town of Carleton Place advises that the proposal complies with the Development Permit By-law.

(b) AGENCY REVIEW

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

Town Planning Report -

A consent applications have been received from the applicant in relation to the property known municipally as 331 Bridge Street. The subject lands are legally described as Lot 11, Plan 787.

This consent application is to sever a 1,132 m² residential lot, leaving a 2,173 m² portion of retained residential property. The purpose of this severance is to create a new residential lot.

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

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

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

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

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

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

COMMENT

The proposal, if approved, will allow for the creation of a new residential lot. The lots are appropriately designated in both the Official Plan and in the Development Permit Bylaw. As with any severance application, staff compiles a list of conditions that the application must meet before final approval and creation of a new deed.

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 both the severed and retained 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 Development Permit approval will be required.
7. The applicant shall obtain a civic address number from the Town of Carleton Place. The applicant must consult directly with the Town in this regard.
8. The applicant shall confirm that a residential entrance to both the severed and retained lots are viable. The applicant shall consult directly with the town 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 existing garage on the lot is to be demolished to the satisfaction of the Town of Carleton Place with approvals from the building department.

Hydro One Networks

Hydro One has an existing 30 primary hydro line, on the west side of this property. I have attached the drawing enclosed with the application, showing in pink where the Hydro One 30 primary line is. The Hydro poles are on the west side of the property line between Carabeck Community Center and this property.

Hydro One will require a registered easement from the current property owner, of up to approximately 5 meter along the west side of the property, to protect our existing 30 line. We require this easement to protect the Safe "Limits of Approach," required by the Ministry of Labour, in proximity of "live" apparatus.

Hydro One wishes to express our concern with the severance of this lot, and the possible encroachment to our existing 30 primary line. We ask that a stipulation be imposed on this Application, that Hydro One be granted an easement by the current property owner, as specified above, before allowing this severance.

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

(c) PUBLIC INPUT

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

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

The applicant proposes to sever a 1,132 sq.m. residential building lot and retain a 2,173 sq.m. residential lot at 331 Bridge Street.

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

Road Access

The lands are accessed via Bridge 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

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

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 – October 17, 2016

William Webster, agent attended the hearing and gave evidence under oath.

Mr. Webster questioned how they could provide a site grading and drainage plan for the lot at this time, as they were not intending to construct any dwelling. The chair advised that the Town may accept 'an undertaking', but this would need to be discussed with the Town.

No public comments were received on this application so there was no effect on the decisions.

Committee reviewed the staff report and draft conditions. The conditions were revised to change wording in Condition No. 11 from '...severed and retained lots is viable...' to '...the severed and retained lots is acceptable...', as the committee noted concerns with the entrance at the corner of Townline Road East and Bridge Street.

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.

B16/100

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. An appropriate easement shall be granted to Hydro One Networks Inc. as outlined in the letter of September 14, 2016 along the west side of the property line of the severed lot.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
5. The applicant to provide a digital copy of the registered reference plan in a NAD83 Datum format to the Town of Carleton Place.
6. 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.
7. 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.
8. 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.
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 (retained).

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

10. The applicant shall demolish or remove the existing garage located on the severed lot to the satisfaction of the Town of Carleton Place. The applicant shall obtain the necessary permits from the Town of Carleton Place for demolition / removal of the structure.
11. The applicant shall confirm that a residential entrance to both the severed and retained lots is acceptable. The applicant shall consult directly with the Town of Carleton Place in this regard.
12. The applicant shall obtain a Civic Address Number from the Town of Carleton Place for the severed lot. The applicant shall consult directly with the Town in this regard.
13. A letter shall be received from Hydro One Networks Inc. stating that condition #3 has been fulfilled to their satisfaction.
14. A letter shall be received from the Town of Carleton Place stating that condition #4 through #12 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Shawn Kazda	Hearing Date: Oct. 17, 2016
Applicant/Agent: Walter Kazda	LDC File #: B16/105
Municipality: Mississippi Mills	Lot: 1 & 2 Plan: 6262
Geographic Area: Town of Almonte	Consent Type: new lot
Roll Number: 0931 020 020 05500	

Purpose and Effect:

To sever a 404.7 sq.m. residential building lot and retain a 404.7 sq.m. residential lot with an existing dwelling located at 239 Victoria Street.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	404.7 sq.m.	404.7 sq.m.
Frontage	21.7 m	21.7 m
Depth	21.7 m	21.7 m
Road - Access to	Municipal	Municipal
Water Supply	Piped Water	Piped Water
Sewage Disposal	Sewage Disposal	Sewage Disposal
Zoning By-law Category	Residential 2 nd Density	Residential 2 nd Density
-Area (minimum)	450 sq.m.	450 sq.m.
-Compliance?	No	No
-Frontage (minimum)	18 m	18 m
-Compliance?	Yes	Yes

Official Plan Designation: Residential

Conformity: Yes

(a) APPLICATION REVIEW

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

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

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

and other uses to meet long-term needs.

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

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

1.6 Infrastructure and Public Service Facilities

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

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

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

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

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

Local Official Plan - Section 2 Basis of Plan, Section 3.6 Residential, Section 4 General Policies, Section 4.2.2 Urban Design, Section 4.6.4 Local Municipal Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

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

Zoning By-law – Section 6 General Provisions, Section 9 Parking, Section 14 Residential Second Density.

The Municipality of Mississippi Mills advises that the proposal does not comply with the Zoning by-law regulations for minimum lot area. A re-zoning / minor variance will be required.

(b) AGENCY REVIEW

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

Municipal Planning Report - BACKGROUND, PURPOSE AND EFFECT

The applicant has submitted a Consent application to the County of Lanark requesting to create a new residential infill building lot by way of severance from the above noted property. The proposal would involve the construction of a detached dwelling on the intended severed parcel, with an existing two-storey

detached dwelling to remain on the retained parcel. The severed parcel would have a lot frontage of $\pm 20.12\text{m}$ (66ft) along Victoria Street, while the retained parcel would maintain a lot frontage of $\pm 20.12\text{m}$ (66ft) along Victoria Street and $\pm 20.12\text{m}$ (66ft) along Mercer Street. Both lots are proposed to be $\pm 404.69\text{m}^2$ (0.10ac) in size.

The applicant received Minor Variance approval from the Municipality of Mississippi Mills Committee of Adjustment on September 21, 2016, to reduce the minimum lot area requirement for the proposed lots from 450m^2 (0.11ac) to 404.69m^2 (0.10ac). The appeal period for the Minor Variance application will expire on October 11, 2016. Sketches of the proposed lots are contained within the Appendix to this report.

DESCRIPTION OF SUBJECT LANDS AND SURROUNDING LAND USES

The subject property is located on the northeast corner of Mercer Street and Victoria Street and in the Ward of Almonte. The property is $\pm 809.38\text{m}^2$ (0.20ac) in size with frontages of $\pm 20.12\text{m}$ (66ft) along Mercer Street and $\pm 40.23\text{m}$ (132ft) along Victoria Street. The property is occupied by a detached dwelling and is surrounded by low density residential properties. The location of the property is depicted in the following aerial photo:

Figure 1. – Aerial Photo (2014)



SERVICING & INFRASTRUCTURE

The property is serviced by municipal water and sewer services and has driveway access from Victoria Street, a municipally owned and maintained road. Post

severance, the proposed severed lot would have driveway access from Victoria Street and would be serviced by municipal water and sewer services available along this frontage.

EVALUATION

PLANNING ACT

Subsection 51(24) of the *Planning Act* sets out the criteria to consider when reviewing an application to subdivide land. Staff is of the opinion that the subject Consent proposal respects the subdivision criteria of the *Planning Act*.

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 subject property is designated "Residential" in the Municipality's Community Official Plan (COP) and zoned "Residential Second Density (R2)" by Zoning By-law #11-83. The COP identifies the Ward of Almonte as a "settlement area" suitable for residential development. Appropriate municipal services are available along Victoria Street to service the development of the proposed severed lot. As such, this property has been identified as suitable for low density residential infilling.

COMMUNITY OFFICIAL PLAN

Residential Designation

The subject property is designated "Residential" in the Municipality's COP. This designation permits low and medium density residential uses as well as associated accessory uses.

Section 3.6.1 of the COP contains various objectives intended to implement a goal of a balanced supply of housing within the Municipality. The following provides an analysis of the proposal against relevant objectives:

1. *Promote and support development which provides for affordable, rental and/or increased density of housing types;*

The infill nature of the proposal would effectively increase the density of the property by a factor of two (2).

4. *Direct the majority of new residential development to areas where municipal sewer and water services are/will be available and which can support new development;*

Municipal services are available along the frontage of Victoria Street to support the development of the proposed severed parcel.

5. *Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.*

Infill developments are subject to strict review under Site Plan Control in accordance with the Municipality's COP and Site Plan Control By-law No. 15-60, so the owner will be required to address a variety of items prior to construction to demonstrate compatibility with the surrounding neighbourhood. These include lot grading and drainage; parking and entrances; servicing and utilities; landscaping (minimum of 1 locally indigenous tree); and compatibility with surrounding properties with respect to urban design (e.g. exterior materials, height, massing,

form, setbacks, spacing, architecture). Therefore, Staff believes that the proposed severed and retained lots would be compatible with the surrounding neighbourhood in terms of design.

Infilling Policies

Section 3.6.7 of the COP contains specific policies regarding infill development. The following provides an analysis of the proposal against these policies:

As the proposal is for the creation of one (1) additional residential lot within an existing residential neighbourhood, the infilling is considered small scale and conforms to the above noted policy.

The proposal represents low density residential development, which would be compatible with the low density residential character of the area. The severance sketch submitted in consideration of the application demonstrates sufficient area for a detached dwelling and accessory uses on the severed lot that would be compliant with the setback and lot coverage requirements of the R2 Zone.

Current or future owners will be required to provide detailed lot grading and drainage plans at the Site Plan Control stage of the development process. Should the current owners choose to allow future owners to undertake the Site Plan Control application process, a conceptual lot grading and drainage plan will be required as part of the Development Agreement that the detailed lot grading and drainage plans will be required to conform to. As noted, compatibility with surrounding properties with respect to urban design (e.g. exterior materials, height, massing, form, setbacks, spacing, architecture) will need to be addressed at the Site Plan Control stage of the process. As such, Staff is of the opinion that the proposal conforms to the infilling policies of the COP.

General Consent Policies

The COP provides further direction regarding lot creation in Section 5.3.11.2 entitled "General Consent Policies". This section states that the Municipality shall support the creation of new lots by Consent when a number of criteria are satisfied. The following provides an analysis of the proposal against the applicable criteria:

1. *The Town shall support applications to create lots by consent when:*
 - (i) *The scale of development proposed or the total development potential of the property would not require a plan of subdivision;*

As the proposal is to create one (1) additional residential building lot along an existing and maintained public road, a plan of subdivision would not be required.

- (ii) *The application represents infilling in an existing built up area;*

The proposal represents an infill development in an existing built up area within the settlement area of Almonte.

- (iii) *The proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;*

The proposal represents low density residential development, which would be compatible with the low density residential character of the surrounding neighbourhood. The proposed lot frontage of $\pm 20.12\text{m}$ (66ft) for the severed and retained lots would match the lot frontages of the majority of the residential properties along Victoria Street, with the proposed lot areas of $\pm 404.69\text{m}^2$ (0.10ac) being slightly less than the minimum requirement. The required relief to the

minimum lot area requirement is currently being addressed through the provisional approval of Minor Variance Application A-11-16.

(iv) The creation of lots would not create or worsen traffic, access or servicing problems;

The creation of one (1) additional lot will not negatively impact traffic in the area. Municipal water and sewer services are available to service the proposed development.

(v) The application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;

As the proposal involves a total of two (2) residential lots that are of similar size to surrounding properties and the retained lot is already developed with an existing detached dwelling, the application represents an orderly and efficient use of land that would not hinder the development of the retained lands.

(vi) The application does not represent strip development; and,

The proposed development is not considered strip development as the proposal involves the creation of a residential infill building lot.

(vii) The application meets all other policies of this Plan.

The proposal satisfies all other relevant policies of the COP.

Zoning By-law #11-83

The subject property is zoned “Residential Second Density (R2)” by the Municipality’s Comprehensive Zoning By-law #11-83. The R2 Zone permits a detached dwelling and accessory uses. The following table outlines the minimum lot standards of the R2 Zone for a detached dwelling serviced by municipal water and sewer services against the proposed specifications of the severed and retained lots:

Table 1: R2 Zone Development Standards vs. Proposed Lot Specifications

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT	SEVERED LOT	RETAINED LOT
Minimum Lot Area (m ²)	450 (Minor Variance)	404.69	404.69
Minimum Lot Frontage (m)	18	20.12	20.12

The severance sketch submitted in consideration of the application demonstrates that the detached dwelling located on the intended retained lot would meet the minimum yard setback requirements for a detached dwelling located within the R2 Zone, as well as comply with the maximum lot coverage requirement. As noted, Minor Variance approval was granted for a reduction of the minimum lot area requirement for the proposed severed and retained lots, so if no appeals are filed further relief from Zoning By-law #11-83 will not be required.

CONCLUSION

As the subject Consent proposal involves a total of two (2) residential lots comparable to that of surrounding properties in an area deemed appropriate for low density residential infilling, Staff views the Consent application to be a logical form of development that would not detract from the character of the surrounding

neighbourhood. Any proposed development would also be subject to strict review under the Site Plan Control process to ensure the orderly development of the land and compatibility with surrounding properties.

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

1. That the applicant provides two (2) copies of the registered reference plan to the Municipality;
2. That the applicant provides digital copies of the registered reference plan in .DWG and .PDF file formats;
3. That a 4.5m x 4.5m sight triangle be dedicated at the corner of Mercer Street and Victoria Street on the registered reference plan;
4. That the owner pays any outstanding property taxes on the subject property;
5. That cash-in-lieu of parkland be paid in accordance with the Municipality's Cash-In-Lieu of Parkland/Parkland Conveyance By-law;
6. That the applicant obtains relief from Zoning By-law #11-83 respecting the minimum lot area requirement for the severed and retained parcels by way of a Zoning By-law Amendment or a Minor Variance;
7. That the applicant obtains an entrance permit and civic address number for the severed parcel; and,
8. That the owner enters into a Development Agreement or a Site Plan Agreement with the Municipality to be registered on title, to address the following:
 - a) The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
 - b) The submission of detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.

Mississippi Hydro – No comments were received.

Bell Canada R-O-W – 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:

Marion MacDonald – Sept 17, 2016

I am writing today in respect to the property located at 238 Victoria Street in Almonte and the request to sever the lot in order to add a building lot.

I am not in favour of this proposed severance. Assuming the owner would need to abide by the requirements of distance for the new building being from the front of the house to the street, sides and rear, I do not believe a comparable home can be built on the new lot. My home which is a bungalow is immediately next door to the new proposed lot. The home directly across the street is a bungalow and the home directly behind is also a bungalow.

This property is on rock. What damage will occur to my foundation (home) if blasting is necessary.

I do have a survey for my home and I can show you the property pins if necessary.

I wish to be notified of the decision of the Land Division Committee in respect of the proposed consent.

(NOTE – Ms. MacDonald was advised that a new survey will be required for the lot to be severed. With regards to building and construction – this must be done in accordance with the Municipality’s Zoning By-law (i.e. set-backs, etc.) and that any blasting if required would be undertaken in accordance with building standards, regulations and requirements.)

Walter Kazda – Sept 20, 2016

We wish to be notified of the decision of the Land Division Committee in respect of the proposed consent.

We wish to be notified of the public meeting.

(d) PLANNING REVIEW

Background and Summary

The applicant proposes to sever a 4-04.7 sq.m. residential building lot and retain a 404.7 sq.m. residential lot with an existing dwelling located at 238 Victoria 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.

Road Access

The lands are accessed via Victoria 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. 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 municipality utilizes a tree conservation plan within the Town of Almonte limits.

Zoning

The subject property is currently within the residential 2nd density section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot does not meet the minimum lot size, therefore a re-zoning or minor variance will be required in order to proceed with the development proposal.

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 Municipality of Mississippi Mills and could be given favourable consideration.

(e) MINUTES – October 17, 2016

Walter Kazda, applicant attended the hearing and gave evidence under oath.

Mr. Kazda confirmed that any new development will be required to be undertaken in accordance with regulations advised that as a builder he would take the necessary precautions required in accordance with building regulations.

Public comments were received on the issue of building construction and type of building being proposed. The committee noted that the concerns/comments would be addressed through the Building Permit requirements.

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.

B16/105

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer of the Land Division Committee for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.

3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the 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 Municipality in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
7. The applicant shall obtain appropriate relief from the minimum lot area provisions of the Zoning By-law for the Municipality of Mississippi Mills for the severed and retained lands, either by way of an amendment to the Zoning By-law or a minor variance.
8. That the applicant enter into a Development Agreement or a Site Plan Agreement with the Municipality of Mississippi Mills to be registered on title, to address the following:
 - a. The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
 - b. The submission of detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes.
9. The applicant shall provide the Municipality of Mississippi Mills with a 4.5m x 4.5m sight triangle at the corner of Mercer Street and Victoria Street 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 Municipality's Public Works Superintendent shall be consulted prior to commencing a survey.
10. The applicant shall obtain a residential entrance permit for the severed lands. The applicant shall consult directly with the Municipality of Mississippi Mills in this regard.
11. 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.
12. A letter shall be received from the Municipality of Mississippi Mills stating that condition #3 through #11 has been fulfilled to their satisfaction.



LAND DIVISION STAFF REPORT - ADDENDUM

APPLICATION FOR CONSENT

Owner: George and Angelo Charos	Hearing Date: Sept 6, 2016 Re-convened Hearing: Oct. 17, 2016
Applicant/Agent:	LDC File #: B16/084 & B16/085
Municipality: Mississippi Mills	Lot: 12 Conc.: 11
Geographic Township: Almonte	Consent Type: 2 new lots
Roll Number: 0931 030 040 15700	

Purpose and Effect:

To sever two (2) residential Building lots (789 sq.m. and 959.9 sq.m.) and retain a 1,146 sq.m. residential lot with an existing dwelling located at 333 King St.

(a) MINUTES – September 6, 2016

No persons attended the hearing.

Moved by D Murphy
Seconded by W Guthrie

THAT Consents B16/084 and B16/085 be deferred;

AND THAT the applicant be requested to attend the October Land Division Committee Hearing to further review the proposal in regards to the conversion of a private well and septic system to the public systems. **CARRIED**

(b) MINUTES – October 17, 2016

George and Angela Charos, owners attended the hearing and gave evidence under oath.

Mr. Charos confirmed that a private well was located on the retained lands, but they had public sewage services. Also that there was no public services available for the lot on Argyle Street. He explained that it was his intention to connect the existing residence to public water as soon as possible, and that the new lot (B16/084) would be connected to public water and sewer as soon as development occurred. However, due to cost he would not be connecting B16/085 to the public system (water and sewer) until he and several others along this street came to an agreement to share the cost to bring the lines to this part of Argyle Street.

No public comments were received on this application so there was no effect on the decisions.

Committee reviewed the staff report and draft conditions. The conditions were reviewed and revised to require the decommissioning of the existing well and connection to municipal services within the development agreement.

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

(c) 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.

B16/084

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 applicants shall satisfy all the requirements of the Municipality of Mississippi Mills, financial and otherwise, that may be required under established by-laws for consent applications.
5. 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.
6. 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.
7. The applicant shall provide a digital copy of the registered reference plan in a .DWG and .pdf file format to the Municipality of Mississippi Mills.
8. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Municipality of Mississippi Mills to be registered on title, to address the following:
 - a) The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes;

- b) The submission of detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes;
 - c) The decommissioning of the existing well on the retained lands in accordance with MOECC regulations and guidelines, including the water supply lines from the well to and into the dwelling at 333 King Street; and
 - d) That the existing dwelling on the retained lands (333 King Street) be connected to the municipal water system in accordance with the Municipality of Mississippi Mills By-law No. 02-102.
9. That the applicant shall provide a 4.5m x 4.5m sight triangle on the retained lands at the corner of King Street and Argyle Street. The deed 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 Municipality's Director of Public Works shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
10. The applicant shall obtain a residential entrance to the lot. The applicant shall consult directly with the Municipality of Mississippi Mills in this regard.
11. 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.
12. A letter shall be received from the Municipality of Mississippi Mills stating that condition #3 through #11 has been fulfilled to their satisfaction.

B16/085

- 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 applicants shall satisfy all the requirements of the Municipality of Mississippi Mills, financial and otherwise, that may be required under established by-laws for consent applications.
- 5. 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.
- 6. 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.

7. The applicant shall provide a digital copy of the registered reference plan in a .DWG and .pdf file format to the Municipality of Mississippi Mills.
8. That the applicant shall re-zone the lands with a 'holding' provision. The 'holding' provision may be lifted once municipal water and sewer services have been extended to the parcel and are available to service any proposed development.
9. That the applicant provide an 'Engineering and servicing Study' prepared by a Civil Engineer, licensed in the Province of Ontario, demonstrating that water and sewer services can be extended to the lot based on existing grades and pipe capacity to the satisfaction of the Director of Roads and Public Works for the Municipality of Mississippi Mills.
10. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Municipality of Mississippi Mills to be registered on title, to address the following:
 - a) The extension of water and sewer services;
 - b) The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes;
 - c) The submission of detailed grading and drainage plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes;
 - d) The decommissioning of the existing well on the retained lands in accordance with MOECC regulations and guidelines, including the water supply lines from the well to and into the dwelling at 333 King Street; and
 - d) That the existing dwelling on the retained lands (333 King Street) be connected to the municipal water system in accordance with the Municipality of Mississippi Mills By-law No. 02-102.
11. That the applicant shall provide a 4.5m x 4.5m sight triangle on the retained lands at the corner of King Street and Argyle Street. The deed 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 Municipality's Director of Roads and Public Works shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
12. The applicant shall obtain a residential entrance to the lot. The applicant shall consult directly with the Municipality of Mississippi Mills in this regard.
13. 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.
14. A letter shall be received from the Municipality of Mississippi Mills stating that condition #3 through #13 has been fulfilled to their satisfaction.