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The Land Division Committee met in regular session on Tuesday, September 6, 2016 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**Chair:** R. Strachan

**1. CALL TO ORDER**

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

**2. DISCLOSURE OF PECUNIARY INTEREST**

None

**3. APPROVAL OF MINUTES**

**MOTION #LD-2016-33**

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

"**THAT**, the minutes of the Land Division Committee meeting held on August 8, 2016, be approved as circulated."

**ADOPTED**

**4. ADDITIONS AND APPROVAL OF AGENDA**

**MOTION #LD-2016-34**

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

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

**ADOPTED**

## **5. DELEGATIONS & PRESENTATIONS**

None.

## **6. NEW APPLICATIONS**

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

- 6.1 B16/033 – Curtis Noel – lot addition  
Pt. Lot 8 Conc. 10 geographic Township of Bathurst, now in Tay Valley Township. Noel Road.
- 6.2 B16/037 and B16/038 – David & Brenda Fairburn – 2 new lots  
Pt. Lot 15 Conc. 2 geographic Township of Ramsay, now in the Municipality of Mississippi Mills. Wolf Grove Road.
- 6.3 B16/041, B16/042, B16/043, B16/044 – Tay Valley Twp.  
William Sinclair, 4287371 Canada Inc. – R-O-W/ Easement and 3 lot additions.  
Pt. Lot 19 Conc. 3 geographic Township of North Burgess, now in Tay Valley Township. Big Rideau North Shore Road.
- 6.4 B16/045 – Constance Shaw and James Green – new lot  
Pt. Lot 4 Conc. 6 geographic Township of Bathurst, now in Tay Valley Township. Highway No. 7.
- 6.5 B16/048 – Dawn Trent – new lot  
Pt. Lot 4 Conc. 3 geographic Township of Lanark, now in the Township of Lanark Highlands. Rosetta Road.
- 6.6 B16/056 – Mary Donnelly – new lot and R-O-W  
Pt. Lot 30 Conc. 8 geographic Township of North Burgess, now in Tay Valley Township. Pike Lake Lane 17A.
- 6.7 B16/062 – Joanne Taggart – new lot  
Pt. Lot 15 Conc. 3 geographic Township of North Burgess, now in Tay Valley Township. Mica Point Road.
- 6.8 B16/070 – Donald and Nancy Weir – lot addition  
Pt. Lot 27/28 Conc. 7 Township of Montague. Ferguson-Tetlock Rd.

6.9 B16/074 – Hollington Homes Ltd. – new lot  
Pt. Lot 4 Conc. 9 geographic Township of Lanark, now in the  
Township of Lanark Highlands. Pine Grove Road.

6.10 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.

**7. DEFERRED APPLICATIONS**

None

**8. CONFIDENTIAL REPORTS**

None.

**9. COMMUNICATIONS/OTHER BUSINESS**

None.

**10. PROVISIONAL CONSENT GRANTED**

10.1	B16/033 – Curtis Noel – lot addition	5 - 14
10.2	B16/037 and B16/038 – David & Brenda Fairburn – 2 new lots	15 - 30
10.3	B16/041, B16/042, B16/043, B16/044 – Tay Valley Twp. William Sinclair, 4287371 Canada Inc. – R-O- W/ Easement and 3 lot additions.	31 - 48
10.4	B16/045 – Constance Shaw and James Green – new lot	49 - 58
10.5	B16/048 – Dawn Trent – new lot	59 - 69
10.6	B16/056 – Mary Donnelly – new lot and R-O-W	70 - 79
10.7	B16/062 – Joanne Taggart – new lot	80 - 90
10.8	B16/070 – Donald and Nancy Weir – lot addition	91 - 98
10.9	B16/074 – Hollington Homes Ltd. – new lot	# - #

**11. PROVISIONAL CONSENT DEFERRED**

11.1 B16/084 and B16/085 – George and Angela Charos – 109 - 117  
2 new lots

**MOTION #LD-2016-35**

**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**

**12. PROVISIONAL CONSENT DENIED**

None

**13. UPCOMING MEETINGS AND NOTICES**

Sept 22 and 23, 2016 - OACA Fall Seminar – Town of Orangeville.  
October 17, 2016 at 9:00 a.m.  
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-2016-36**

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

**"THAT,** the meeting do now adjourn at 11:45 a.m."

**ADOPTED**



Mary Kirkham  
Secretary-Treasurer



## LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT**

<b>Owner:</b> Curtis and Donna Noel	<b>Hearing Date:</b> Sept 6, 2016
<b>Applicant/Agent:</b> Gary Noel	<b>LDC File #:</b> B16/033
<b>Municipality:</b> Tay Valley	<b>Lot: 8 Conc.: 10</b>
<b>Geographic Township:</b> Bathurst	<b>Consent Type:</b> Lot addition
<b>Roll Number:</b> 0911 916 030 12100	

**Purpose and Effect:**

To sever a 415.7 sq.m. parcel of land as a lot addition to lands owned by Gary and Karin Noel at 1008 Noel Road and to retain a 42.5-ha landholding at 1146 Noel Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Seasonal Residence
<b>Proposed Use</b>	Lot Addition	Seasonal Residence
<b>Area</b>	415.75 sq.m.	42.5-ha
<b>Frontage</b>	47.25 m	721 m
<b>Water Frontage</b>	0	304 m
<b>Depth</b>	9.4 m +/-	600 m
<b>Road - Access to</b>	Private R-O-W	Private R-O-w
<b>Water Supply</b>	n/a	Private Well
<b>Sewage Disposal</b>	n/a	Septic System
<b>Zoning By-law Category</b>	Rural, but will be added to	Rural
<b>-Area (minimum)</b>	a Seasonal Residential	1.0-ha
<b>-Compliance?</b>	n/a – lot addition	Yes
<b>-Frontage (minimum)</b>		60 m
<b>-Compliance?</b>		Yes

**Official Plan Designation:** Rural with 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.

### **2.2 Water**

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

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

### **2.6 Cultural Heritage and Archaeology**

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

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

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

### **3.1 Natural Hazards**

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

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

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

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

**Local Official Plan** – Section 2 General Development Policies, section 2.17 Public Road Access, Section 2.19 Cultural and Heritage Resources, Section 2.22 Natural Heritage Features, Section 3.6 Rural Section 4.5 Private Roads, Section 5.2 Land Division.

Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

**Zoning By-law** – Section 3 General Provisions, section 5.2 Seasonal Residential Zone, Section 10 Rural Zone.

Tay Valley Township advises that the receiving lot is an existing undersized lot. The additional lands will not bring it into conformity. A rezoning will be required to recognize the undersized lot and lot frontage.

#### **(b) AGENCY REVIEW**

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

#### **Township Planner's Report -**

##### **BACKGROUND**

The proposal is to sever a 415.7 m<sup>2</sup> parcel as a lot addition to the lands at 1008 Noel Road, and retain a 42.5 ha landholding at 1146 Noel Road.

##### **DISCUSSION**

Consistent with Provincial Policy Statement Yes

Conforms to Official Plan Yes

Complies with Zoning By-Law No

Recommend consent for this application Yes

Recommended Conditions

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

- Zoning amendment for the receiving lot with lot addition

#### PROVINCIAL POLICY STATEMENT

No concerns.

#### OFFICIAL PLAN

Section 3.6 Rural.

#### ZONING BY-LAW

The retained parcel is zoned Rural, the cottage property is Seasonal Residential.

The receiving lot is currently 1416.4 m<sup>2</sup> and will receive 415.74 mL for a new lot size of 1832 m<sup>2</sup>, still undersized for zone requirements. It is recommended that a condition of severance be a zoning amendment to recognize the undersized lot and frontage (38m).

Mississippi Valley Conservation Authority (MVCA) has no objections to the proposed lot addition.

Mississippi Rideau Septic System Office (MRSSO) has no objections to the proposed lot addition.

#### CONCLUSION

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

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan (or legal description) and two copies of the deed/transfers(s) be submitted to the Township.
4. That, the applicant submit a zoning amendment for the receiving lot to recognize undersized lot area and frontage."

#### **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 MVC Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

#### PROPOSAL

It is our understanding that the purpose of the subject application is to sever (1) vacant lot measuring approximately 0.04 ha as a lot addition to the adjacent lot. The retained land measures approximately 42.5 ha with an existing dwelling.



## PROPERTY CHARACTERISTICS

A review of available GIS mapping and Drape Imagery shows that an unclassified wetland exists across the proposed retained lands. An unnamed tributary of Bennett Lake flows through this wetland. A second unclassified wetlands exists in the north-eastern section of the retained lands. No significant natural heritage features or natural hazards were identified on the severed lands.

## REVIEW

### Natural Heritage Values - Wetland

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

Sufficient area appears to exist on the retained lands to accommodate new development with a setback of 30 m from the unclassified wetland. Therefore, impacts to the wetland are not anticipated as a result of the subject application.

### Natural Heritage Values - Watercourse

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 waterbody and watercourse. This standard appears achievable from the unnamed tributary, on the retained lands.

### Natural Hazards

Wetlands inherently consist of organic soils. Due to the poor drainage and unstable characteristics of these soils, they are not suitable for development. Therefore, development should be directed outside of these areas unless supported by acceptable engineering techniques.

## RECOMMENDATIONS AND CONCLUSIONS

We recommend the following is implemented on the proposed retained lands:

1. Future development, including a septic system shall be setback a minimum of 30 m from the watercourse and wetlands.
2. The shoreline vegetation surrounding the wetlands 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 wetlands, watercourse or onto adjacent properties.
4. Future development shall be directed away from wetland areas consisting of organic soils.
5. The wetlands shall remain undisturbed.

**NOTES**

The applicant should be advised that a portion of the subject property 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 watercourse identified.

We also advise consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfo-mpo.gc.ca](mailto:fisheriesprotection@dfo-mpo.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.

A search for occurrences of potential Species at Risk was not conducted. Please contact the Ministry of Natural Resources and Forestry for 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** – Mississippi Rideau Septic System Office

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

The applicant proposes to sever a 0.41574 hectare parcel from the retained parcel for a lot addition to 1008 Noel Road. The proposed parcel is vacant, well treed, sloping towards the lake and has areas of exposed rock. No test pits were provided.

The retained parcel is 425.392 hectares. The property is developed with a dwelling and several outbuildings. The retained parcel is well treed with wetland areas and exposed rock. No test pits were provided.

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

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

**(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 415.7 sq.m. parcel of land as a lot addition to lands owned by Gary and Karin Noel at 1008 Noel Road, described as Part 2 on Reference Plan 27R-633. This parcel of land lies between the existing private road and the lands owned by Gary and Karin Noel. The road location restricts the ability to increase the size of the lot addition any further.

The lot to be enlarged is currently 1415.4 sq.m. The additional lands will increase

the lot to 1832 sq.m. The minimum lot size for seasonal residential is 4050 sq.m. Therefore a re-zoning will be required to recognize the undersized lot. In addition, the lot frontage of the lot to be enlarged is approximately 38 m, whereby the required minimum is 45 m. A re-zoning will also be required to recognize this deficiency.

The subject lands are located in an area characterized by typical seasonal residential on smaller type lots along the shore of Bennett Lake and large backlots. The effect of the lot creation is increase the small lot and to obtain ownership of the lands between the existing private road and the lot.

#### Road Access

The lands are accessed via Noel Road, a private road which adjoins Bennett Lake Road, a County maintained road.

Bedrock Inventory – conglomerate, wacko, quartz

#### Archaeological

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

#### Endangered Species

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

#### Official Plan Policies

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

Zoning

The subject property is currently within the rural section of the Zoning By-law. The lands to be enlarged are zoned as Seasonal, which permits a number of uses, including single-detached dwellings. While the additional lands will help in bringing the lands more in line with the minimum zoning requirements, the proposed lot as enlarged still does not meet the minimum requirements of the Township's Zoning By-law. A re-zoning will be required.

Conclusion

No new or additional infrastructure is required as a result of the proposal. 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 Tay Valley Township and could be given favourable consideration.

**(e) MINUTES – September 6, 2015**

Curtis Noel, owner and Gary Noel, agent attended the hearing and gave evidence under oath.

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.

**B16/033**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Gary Paul Joseph Noel and Karin Noel, described as Pt. Lot 8 Concession 10, geographic Township of Bathurst, being Part 2 on Reference Plan 27R-633 and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the

Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
8. The applicant shall re-zone the enlarged lot to recognize the undersized area and frontage. The applicant shall consult directly with Tay Valley Township in this regard.
9. A letter shall be received from Tay Valley Township stating that condition #4 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *The Mississippi Valley Conservation Authority recommends that the following be implemented on the retained lands:*
  - a). *Future development, including a septic system shall be setback a minimum of 30 m from the watercourse and wetlands.*
  - b). *The shoreline vegetation surrounding the wetlands 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 wetlands, watercourse or onto adjacent properties.*
  - d). *Future development shall be directed away from wetland areas consisting of organic soils.*
  - e). *The wetlands shall remain undisturbed.*
3. *The MVCA also advise that a portion of the subject property 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 watercourse identified.*

4. *The applicant is advised that consultation should be undertaken with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfo-mpo.gc.ca](mailto:fisheriesprotection@dfo-mpo.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.*

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

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

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



## LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT**

<b>Owner:</b> David John & Brenda Judith Fairbairn	<b>Hearing Date:</b> Sept 6, 2016
<b>Applicant/Agent:</b> David & Brenda Fairbairn	<b>LDC File #:</b> B16/037 & B16/038
<b>Municipality:</b> Mississippi Mills	<b>Lot: 15 Conc.:</b> 2
<b>Geographic Township:</b> Ramsay	<b>Consent Type:</b> 2 new lots
<b>Roll Number:</b> 0931 929 015 06400	

**Purpose and Effect:**

To sever two (2) residential building lots (1.62-ha and 9.61-ha) and to retain a 20.25-ha landholding with an existing dwelling and hobby farm located at 1827 Wolf Grove Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed B16/037</b>	<b>Lands to be Severed B16/039</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Vacant	Res/Hobby Farm
<b>Proposed Use</b>	Residential	Residential	Res/Hobby Farm
<b>Area</b>	1.62-ha	9.61-ha	20.25-ha
<b>Frontage</b>	88 m	58 m	340 m
<b>Depth</b>	184 m	658 m	658 m
<b>Road - Access to</b>	County Rd	County Rd	County Rd
<b>Water Supply</b>	Proposed	Proposed	Private Well
<b>Sewage Disposal</b>	Proposed	Proposed	Septic System
<b>Zoning By-law Category</b>	Rural	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha	10.0-ha
<b>-Compliance?</b>	Yes	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m	150 m
<b>-Compliance?</b>	Yes	Yes	Yes

**Official Plan Designation:** Rural with agriculture overlay (the overlay provides for a 30 m setback from the lands utilized as part of an active agricultural operation deemed to be locally significant)

**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 Plan, Section 3.3 Rural Policies, Section 3.3.6 Severances and Lot Creation, Section 4 General Policies, Section 4.6.3 County Roads, 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 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:

**Municipality's Planning Report -**

**PURPOSE & EFFECT OF APPLICATION**

The Applicants have submitted two (2) Consent applications to the County of Lanark requesting to sever  $\pm 9.6\text{ha}$  (23ac) and  $\pm 1.62\text{ha}$  (4ac) rural residential building lots from the above noted property and retain a  $\pm 20.23\text{ha}$  (50ac) landholding containing a detached dwelling and hobby farm. The first severed lot (Lot A) would have a frontage of  $\pm 58\text{m}$  (190.29ft) along Wolf Grove Road and the second severed lot (Lot B) would have  $\pm 88\text{m}$  (288.71ft) along Wolf Grove Road, while the proposed retained lot would maintain  $\pm 340\text{m}$  (1,115.49ft) of frontage along Wolf Grove Road. Sketches of the proposed lots are contained within the Appendix to this report.

**DESCRIPTION OF PROPERTY & SURROUNDING LAND USES**

The subject lands are located on the south side of Wolf Grove Road, west of Ramsay Concession 3A and in the Ward of Ramsay. The lands are  $\pm 31.46\text{ha}$  (77.74ac) in size with a frontage of  $\pm 486\text{m}$  (1,594.49ft) along Wolf Grove Road. The location of the subject lands within the Municipality is depicted in the following Aerial Photo:

Figure 1. – Aerial Photo (2016)



The lands are occupied by a detached dwelling and hobby farm, both of which will remain on the proposed retained lot. The lands are generally surrounded by rural and rural residential properties.

#### SERVICING & INFRASTRUCTURE

The subject lands are serviced by private well and septic services and have driveway access from Wolf Grove Road, a County owned and maintained public road. The proposed severed lots would also be serviced by private well and septic services and would be accessed via a shared driveway entrance from Wolf Grove Road.

#### 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.

Staff is of the opinion that the subject Consent proposal respects the above noted criteria.

##### PROVINCIAL POLICY STATEMENT (PPS), 2014

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

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

Staff notes that the addition of two (2) rural residential building lots would be considered "limited residential development", and that such development would be compatible with the rural character of the surrounding area. The proposed retained and severed lots would be serviced by private well and septic services. Due to the distance from existing public services, municipal water and sewage services are neither existing nor planned for this area and private services are considered to be suitable for the proposed development of the subject property.

- 1.1.5.9 *New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

With respect to complying with minimum distance separation (MDS) requirements, the proposed retained lot would be occupied by an existing barn capable of housing up to fifty-one (51) beef cattle. As such, Staff conducted an MDS calculation to determine the minimum required setback between the barn and the proposed dwellings on the severed lots. The minimum required setback was calculated at 141m (462.6ft). Given that the interior lot line to the nearest severed lot (Lot B) is located approximately 160m (525ft) from the barn, the minimum setback between the barn and the proposed dwellings would be maintained. Based on the above analysis, Staff is of the opinion that the proposal is consistent with the policies of the PPS.

#### COMMUNITY OFFICIAL PLAN

The subject lands are designated "Rural" in the Community Official Plan (COP). The Rural designation permits non-farm residential dwellings and accessory uses. The lands also contain the "Rural – Agriculture" overlay due to the presence of the existing agricultural operation on the west side of the property and its pockets of Classes 1 to 3 soils. Section 3.3.4 of the COP provides the policies for development proposed adjacent to the Rural – Agriculture overlay.

While almost the entire property is mapped with the Rural – Agriculture overlay, Staff notes that only the proposed retained lot is actively being farmed; the property contains a  $\pm 237\text{m}^2$  (2551ft<sup>2</sup>) barn capable of housing fifty-one (51) beef cows that use the property as pastureland. As Lot A would be located at least  $\pm 58\text{m}$  (190ft) from the tree line separating the actively farmed pasture fields from the wooded areas and the nearest severed lot (Lot B) is proposed to be  $\pm 9.61\text{ha}$  (23.75ac) in size, there would be sufficient area for a proposed building envelope on both of the proposed severed lots outside of the minimum 30m (98.4ft) setback requirement.

#### Rural Consent Policies

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

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

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

The Applicants have obtained a shared residential entrance permit (Permit No. 2557) from the County of Lanark's Public Works Department for the proposed severed lots that would be located greater than 150 metres from the existing entrance to the proposed retained lot.

As the severed lots would be  $\pm 9.61\text{ha}$  (23ac) and  $\pm 1.62\text{ha}$  (4ac) in size and the retained lot would be  $\pm 20.23\text{ha}$  (50ac) in size, there would appear to be sufficient area to accommodate the required on-site private services. The Applicants will be required to receive necessary approvals from the Leeds, Grenville & Lanark District Health Unit for such services.

The retained lot would have frontage onto Wolf Grove Road, while the severed lots would also have frontage onto Wolf Grove Road. This is a County owned and maintained public road.

As noted, the severed lots would be  $\pm 9.61\text{ha}$  (23ac) and  $\pm 1.62\text{ha}$  (4ac) in size and the retained lot would be  $\pm 20.23\text{ha}$  (50ac). The proposed lots do not contain the Flood Plain designation.

As noted, there appears to be sufficient area for a proposed building envelope on both of the proposed severed lots outside of the minimum 30m (98.4ft) setback requirement.

The first severed lot (Lot A) would be occupied by a creek that flows through the subject property and the retained lot would be occupied by an unevaluated wetland. The MVCA has stated they have no objection to the applications provided appropriate setbacks to these features are maintained. As there appears to be ample area to accommodate the proposed development while maintaining these setbacks, there does not appear to be any foreseeable impacts to these natural features. Based on the above analysis, Staff views the proposal to meet the relevant policies of the COP.

**ZONING BY-LAW #11-83**

The subject property is zoned “Rural (RU)” by the Municipality’s Comprehensive Zoning By-law #11-83. As noted, the proposed retained parcel is occupied by an existing detached dwelling and the proposed severed parcels would each be occupied by a new detached dwelling. As such, the parcels would be considered non-farm residential lots for zoning purposes. The following table outlines the minimum lot area and lot frontage requirements of the RU Zone for a non-farm residential lot against the dimensions of the proposed lots:

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

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT (NON-FARM RESIDENTIAL LOT)	SEVERED LOT A	SEVERED LOT B	RETAINED LOT
Lot Area (ha)	1	9.61	1.62	20.23
Lot Frontage (m)	45	58	88	340

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

**CONCLUSION**

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

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

1. That the Owners pay any outstanding property taxes on the subject property;
2. That cash-in-lieu of parkland be paid in accordance with the Municipality’s Cash-In-Lieu of Parkland/Parkland Conveyance By-law;
3. That the Applicants obtain a civic address number for each severed lot;

4. That the Applicants provide two (2) copies of the registered reference plan to the Municipality; and,
5. That the Applicants provide digital copies of the registered reference plan in .DWG and .PDF file formats to the Municipality.

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

#### PROPOSAL

It is our understanding that the purpose of the subject applications is to sever two vacant lots; B16/037 is 1.62 ha while B16/038 is 9.61 ha. The retained land is already developed and measures 20.23 ha.

#### PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drone Imagery, Union Hall Creek flows across the central section of the severed lands under B16/038. This creek also flows through unclassified wetland in the central section of the retained lands. No significant natural heritage features or natural hazards were identified on the proposed severed lands under B16/037.

#### REVIEW

##### Natural Heritage Values - Wetland

Unclassified wetland has been identified on the retained lands. MVCA generally recommends a 30 m development setback from any wetland. However, given that the retained lands are already developed with no new development proposed at this time, impacts to the wetland are not anticipated as a result of the subject applications.

##### Natural Heritage Values - Watercourse

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the PPS, a minimum development setback of 30 m is recommended from any waterbody and watercourse. This standard appears achievable from Union Hall Creek, on B16/038. The retained lands are already developed with no new development proposed at this time. Therefore, impacts to the creek 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 support by acceptable engineering techniques.

#### RECOMMENDATIONS AND CONCLUSIONS

MVCA does not have any objections to the subject applications provided the following is implemented on the proposed severed lands under B16/038:

1. Future development, including a septic system shall be setback a minimum of 30 m from the creek.
2. The shoreline vegetation surrounding the creek 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 creek or onto adjacent properties.

#### NOTES

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

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

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

Please advise us of the Committee's decision in this matter.

#### **County of Lanark – Public Works Dept.**

- 1/ Applicant has an approved existing entrance - #2557
- 2/ Applicant has an approved entrance location to the County Road - #2556, Common Entrance.
- 3/ Entrance to be installed prior to deed endorsement.
- 4/ Standard Conditions to apply – Road Widening, Road Closing, Approvals and Documentation.

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

**B16/037** – this wooded lot slopes towards the south. Good drainage. Varying depth of soil, 0-1.0-metre of soil. Sandy site. Recommendation – severing this lot will not negatively impact the existing septic system or potential future on-site sewage disposal.

**B16/038** - Large lot sloping towards the south, away from the road. This lot is mostly pasture. Good drainage. Varying depth of silty sand soil with rocky outcrops. Recommendations – This lot would be large enough to accommodate on-site sewage disposal. Imported leaching bed fill may be required to construct a conforming septic system.

**Retained lands** – Large farm property sloping to the south, away from the road. Good drainage. Varying depth of soil Recommendations – severing this lot will not negatively impact the existing septic system or potential future on-site sewage system.

**Hydro One Networks** – 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:

Alex Schaafsma and Delma Devoe – June 16, 2016

We are the owners of property at 1637 Ramsay Con Road 3A that abut the property that is proposed for severance from 1827 Wolf Grove Road.

We have no concerns or comments with regards to this severance proposal.

We do wish to be notified of any public meetings that may be scheduled into this matter.

We do wish to be kept informed of any decisions taken by the Land Division Committee with regards to this proposal.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever two (2) residential building lots ( 1.62-ha and 9.61-ha) and to retain a 20.25-ha landholding with an existing dwelling and hobby farm located at 1827 Wolf Grove Road.

The subject lands are located in an area characterized by Large residential / hobby farm lots along Wolf Grove Road . A total of four (4) lots were taken from the original landholding, however these were prior to the lot creation date of July 1973.

Road Access

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

Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 141 m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 230m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory

- Name: Tennyson
- Stoniness: moderately stony
- CLI: 6 – natural grazing only
- 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 a potential for Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.
- 3 Woodlands  
The lot has areas mapped as 'woodlands', mainly on B16/037 and the southern portion of the retained lands. 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 – September 6, 2016**

David Fairburn, owner attended the hearing and gave evidence under oath.

Mr. Fairburn advised that he is unaware of any issues with well water servicing the area. Also noting that through the review by the County Public Works Department he would be required to install a common entrance to the lots.

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.

**B16/037**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. 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 two (2) copies 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. The applicant shall obtain a Civic Address Number from the Municipality of Mississippi Mills. The applicant shall consult directly with the Municipality in this regard.
9. 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.
10. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
11. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
12. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.
13. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the 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 County of Lanark Public Works Department stating that condition #9 through #14 has been fulfilled to their satisfaction.
16. A letter shall be received from the Municipality of Mississippi Mills stating that condition #4 through #8 (and #13, if required) has been fulfilled to their satisfaction.

**NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill may be required to construct a conforming septic system.*
2. *The Mississippi Valley Conservation Authority advises that the wetland on the retained lands should remain undisturbed. And shoreline vegetation surrounding the wetland should be retained to a minimum depth of 15 m.*

3. *The MVCA also 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 creek.*
4. *The applicant is advised that consultation with Fisheries and Oceans Canada (DFO) should be undertaken ([fisheriesprotection@dfompo.gc.ca](mailto:fisheriesprotection@dfompo.gc.ca)) prior to conducting any work within the creek, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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

### **B16/038**

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

2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. 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 two (2) copies 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. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of June 10, 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. 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.
10. 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.
11. 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.
12. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
13. 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.
14. 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.

15. 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.
16. A letter shall be received from the County of Lanark Public Works Department stating that condition #10 through #15 has been fulfilled to their satisfaction.
17. A letter shall be received from the Municipality of Mississippi Mills stating that condition #4 through #9 (and #14, if required) has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill may be required to construct a conforming septic system.*
2. *The Mississippi Valley Conservation Authority advises that the wetland on the retained lands should remain undisturbed. And shoreline vegetation surrounding the wetland should be retained to a minimum depth of 15 m.*
3. *The MVCA also 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 creek.*
4. *The applicant is advised that consultation with Fisheries and Oceans Canada (DFO) should be undertaken ([fisheriesprotection@dfompo.gc.ca](mailto:fisheriesprotection@dfompo.gc.ca)) prior to conducting any work within the creek, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation,*

*migration or feeding.*

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

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



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

<b>Owner:</b> Tay Valley Twp, William Sinclair, 4287371 Canada Inc. and Rossdale Management Inc.	<b>Hearing Date:</b> Sept 6, 2016
<b>Applicant/Agent:</b> William Sinclair	<b>LDC File #:</b> B16/041 to B16/044
<b>Municipality:</b> Tay Valley	<b>Lot:</b> 19 <b>Conc.:</b> 3
<b>Geographic Township:</b> North Burgess	<b>Consent Type:</b> R-O-W/Easement & 3 lot additions
<b>Roll Number:</b> 0911 911 020 19205 and 0911 911 020 19500	

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

##### Application 1:

B16/041 – to sever a 101 sq.m. parcel of land as a driveway to access lands in the Estate of Herman and Evelyn Moulton at 493 Big Rideau North Shore Road.

##### Application 2:

B16/042 – to sever a 0.14-ha parcel of land as a lot addition to lands owned by Malcolm and Wanda Nash at 495 Big Rideau North Shore Road.

Retained lands – a 2.65-ha residential building lot.

##### Application 3:

B16/043 – to sever a 537 sq.m. parcel of land as a lot addition to lands owned by the Estate of Herman and Evelyn Moulton at 493 Big Rideau North Shore Road.

Retained lands – a 2.9-ha residential lot at 463 Big Rideau North Shore Road.

##### Application 4:

B16/44 – to sever a 0.81-ha parcel of land as a lot addition to lands owned by 4287371 Canada Inc. / Rossdale Management Inc. at 463 Big Rideau North Shore Road.

Retained lands – a 1.84-ha residential building lot

**Official Plan Designation:** Rural

**Conformity:** Yes

#### **(a) APPLICATION REVIEW**

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

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

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

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

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

### **1.1.5 Rural Lands in Municipalities**

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

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

## **1.6 Infrastructure and Public Service Facilities**

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

## **2.1 Natural Heritage**

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

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

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

## **2.2 Water**

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

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

## **2.6 Cultural Heritage and Archaeology**

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



significant archaeological resources have been conserved.

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

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

### **3.1 Natural Hazards**

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

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

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

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

**Local Official Plan** – Section 2 General Development Policies, Section 2.17 Public Road Access, Section 2.19 Archaeological Resources, Section 2.20 Natural Hazard Features, Section 2.21 Man-Made Hazard features, Section 2.22 Natural Heritage Features, Section 2.23.1 Water Supply and Sewage Disposal, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division.

Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

**Zoning By-law** – Section 3 General Provisions, Section 5.3 Limited Services Residential.

Tay Valley Township advises that the proposals do not comply with the zoning by-law regulations. A re-zoning application will be required for the receiving lots and the retained lands.

#### **(b) AGENCY REVIEW**

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

##### **Township Planner's Report -**

##### **BACKGROUND**

Four related applications include one right-of-way and three lot additions, with the objective of enlarging undersized waterfront properties and aligning lot lines around existing development.

##### **DISCUSSION**

Consistent with Provincial Policy Statement Yes

Conforms to Official Plan Yes

Complies with Zoning By-Law No

Recommend consent for this application Yes

Recommended Conditions

- Payment of all taxes owing

- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Zoning amendments for all lots

#### PROVINCIAL POLICY STATEMENT

No concerns.

#### OFFICIAL PLAN

Section 3.6 Rural.

#### ZONING BY-LAW

The parcel is zoned RLS-1. The RLS-1 zoning carried over from the North Burgess Zoning By-law when a marina/club operated with a 6-unit lodge and 2 cabins.

B16/041 applies for a right-of-way across the unopened Township road allowance (that will be transferred to 495 Big Rideau North Shore (Nash)) in favour of the property at 493 Big Rideau North Shore Road (Moulton).

B16/042 is a lot addition to enlarge the property at 495 Big Rideau North Shore Road (Nash) to just under an acre. A rezoning will be required to RLS with exception to recognize the undersized lot size (3950 m<sup>2</sup> instead of the required 4050 m<sup>2</sup>) and to incorporate the RLS-1 of the addition. The frontage at 78 m exceeds the required 60 m.

B16/043 is a lot addition to enlarge the property at 493 Big Rideau North Shore Road (Moulton) to just under half an acre. A rezoning will be required to RLS with exception to recognize the undersized lot size (1587m<sup>2</sup> instead of 4050 m<sup>2</sup>) and undersized frontage 23m instead of the required 60m; to incorporate the RLS-1 of the addition, and to change the erroneously zoned CT.

B16/044 is a lot addition to enlarge the property at 463 Big Rideau North Shore Road to align with current development (the lot addition will become contiguous to 463 Big Rideau North Shore when the road allowance is transferred simultaneously). Lot size at 8 ha exceeds the 4050m<sup>2</sup> requirement and frontage at approximately 320m exceeds the 60m requirement. The RLS-1 zoning will remain.

The retained land will need to be rezoned to RLS from RLS-1.

The Rideau Waterway Development Review Team (including Rideau Valley Conservation Authority (RVCA)) does not object to the lot additions.

Mississippi Rideau Septic System Office (MRSSO) has no objections to the lot additions, and comments that application B16/043 in particular is beneficial since it will allow installation of a sewage system with at least a 30m setback.

#### CONCLUSION

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

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.

2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, four (4) copies of an acceptable reference plan (or legal description) and two copies of the deed/transfers(s) be submitted to the Township.
4. That, the receiving lots and retained land be zoned appropriately.

**Conservation Authority** – Rideau Waterway Development Review Team.

B16/041 – no comments – easement purposes only.

B16/042 through B16/044

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 regulations-Section 28 of the Conservation Authorities Act,
  - The considerations for waterfront setbacks and best management practices derived from the "Rideau Lakes Study".
- and Parks Canada- Rideau Canal Office within the context of:
- The Federal Fisheries Act,
  - The Historic Canals Regulations
  - The UNESCO World Heritage designation of the Rideau Canal.

The Proposal – B16/042

Proposed B16/42 will add a small amount of backland (Parts 6,7 and 8) to the existing waterfront lot, retaining 2.65 hectares with 55 metres of waterfront. There is no additional development proposed in conjunction with this lot addition.

The Proposal – B16/043

Proposed B16/043 will add a small amount of waterfront and backland (Part 10) to the existing waterfront lot, retaining 2.9 hectares with 451 metres of waterfront. There is no additional development proposed in conjunction with this lot addition.

The Proposal – B16/044

Proposed B16/044 will add Parts 1, 2 and 3 t/w easement over Part 9 and Part 5 of 27R-6517 to the existing adjacent property at 463 North Shore Road. There is no additional development proposed in conjunction with this lot addition.

Recommendations On behalf of the Parks Canada-Rideau Canal Office and the Rideau Valley Conservation Authority, we do not object to the lot addition.

Parks Canada comment:

- Parks Canada - Rideau Canal Office is the approval authority for all in-water works along the Canal system. If the landowner wishes to carry out any new in-water works for any shoreline work including but not limited to docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices. Care must be taken with any work, and/or development such that no harmful alteration, disruption or destruction of fish habitat will result. The Rideau Canal Office must be contacted and written approval obtained prior to the commencement of construction. Any disturbance of the shoreline may affect fish habitat and should be addressed through this office.

- Regarding the Rideau Canal National Historic Site Management Plan, Parks Canada has committed to the people of Canada for the on-going conservation and stewardship of the waterway. One of the guiding principles for the vision of the Rideau Canal is that the historic values, natural features, scenic beauty and diversity of cultural landscapes constitute its unique heritage character and should be respected (section 3.2 p.16).
- With the inscription of the Rideau Canal as a UNESCO World Heritage Site in 2007, the World Heritage Committee recommended the protection of the visual setting of the Canal in order to ensure the visual values of the setting are protected alongside environmental values. One way this can be done is through limiting development within the 30 m buffer zone. Parks Canada staff recommend that new development be unobtrusive, visually screened and integrated within the vegetation and topography.

Rideau Valley Conservation Authority comments:

- 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. Any future development on the lot to which these lands are to be added or the retained lot should have regard for the existing development setback. Additional development on this waterfront which would request further water setback reduction would be challenging.
- For the owner's information, please note that the 1: 100 year flood elevation on Big Rideau Lake is 124.51 metres geodetic. The shoreline and area immediately upland of the shore of Big Rideau Lake are affected by this flood elevation. Proposed development and alteration on the site and the shoreline of Big Rideau Lake should have regard for Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" as administered by the RVCA.

Generally, for the owner's information, surface water quality conditions in Big Rideau Lake have been monitored by RVCA 's Watershed Watch Program since 2005. Data from three deep point sites has been used to calculate the WQI rating for Big Rideau Lake, which was determined to be "Fair". Relatively few nutrient exceedances, good oxygen conditions for fish habitat, clear water and occasionally elevated pH levels contributed to the rating. Historically, Big Rideau Lake has had good ecological health but has shown signs of stress resulting from recreational use, climate change and development pressure. The data indicates that this continues to be the case. Best management practices are important to ensure the protection of the lake environment.

Total phosphorous concentrations are generally below the provincial TP guideline for most sample sites in this Portland Catchment area. Proximity of the outflow of Upper Rideau (Rideau Narrows Lock Station) and impacts of increased shoreline development, stormwater runoff, boat traffic and high levels of recreational use in these specific areas of the lake may contribute to increased loading and re-suspension of sediment resulting in higher TP concentrations.

The full Catchment Report for the Rideau Lakes Subwatershed is available on the RVCA website ([www.rvca.ca](http://www.rvca.ca)).

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** – Mississippi Rideau Septic System Office

**B16/041** - no inspection required – easement/R-O-W

**B16/042**

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted May 9, 2016.

The applicant proposes to sever a 0.14 hectare parcel from the retained parcel for a lot addition to 495 Big Rideau North Shore Road.

The proposed parcel is vacant, well treed and has areas of exposed rock. No test pits were provided. The retained parcel is 2.65 hectares. The property is vacant with travelled right of ways and open field. No test pits were provided.

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

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

**B16/043**

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted May 9, 2016.

The applicant proposes to sever a 0.537 hectare parcel from the retained parcel for a lot addition to 493 Big Rideau North Shore Road. The proposed parcel is vacant, well treed, slightly sloping towards the Lake and has areas of exposed rock. No test pits were provided. The retained parcel is 2.9 hectares. The property is developed with several residences and other buildings. The sewage system was reinspected in 2009, with no concern at the time of inspection. The property well treed to the north, with large expanse of cut grass in the centre. No test pits were provided.

The lot addition is beneficial for 493 Big Rideau North Shore Road, as it allows for a Class 4 system to be installed greater than 30m from a surface water body. A level IV treatment unit is recommended to reduce the overall imported fill that may be required.

The ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from a surface water body, on retained lot will not be impacted by the severance.

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

**B16/044**

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted May 9, 2016.

The applicant proposes to sever a 0.81 hectare parcel from the retained parcel for a lot addition to 4287371 Canada Inc. & Rossdale Management Inc. The proposed parcel is vacant, treed, and contains travelled right of ways from Big Rideau North Shore Road. No test pits were provided. The retained parcel is 1.84 hectares. The property is vacant with open field and trees along the NW boundary. No test pits were provided. The lot addition as proposed will not interfere with the ability to install, replace, operate or maintain an OBC compliant sewage system greater than 30m from a surface water body, on either lot.

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

**Hydro One Networks** – no comments received.

**Bell Canada R-O-W**

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

**Big Rideau Lake Association** – no comments 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 four separate parcels – a r-o-w, 2 lot additions and a lot addition plus easement.

The subject lands are located in an area characterized by typical seasonal residential mixed with year-round residential.

The effect of the severance applications is as follows:

B16/061 – is an easement/R-O-W over the unopened Road Allowance, which is currently in the process of being closed and conveyed to the abutting landowners (Nash and Moulton).

B16/042 - is a 0.14-ha parcel of land to be added to lands owned by Malcolm and Wanda Nash. This will increase the lot size from 0.255-ha to 0.395-ha – still short of the minimum requirement of 0.4-ha. (additional lands will be obtained from the lands to be transferred through the road closing process.) Re-zoning will be required.

B16/043 – is a 537 sq.m. parcel of land to be added to lands owned by Herman and Evelyn Moulton (Levac). This will increase the size of the lot from 0.105-ha to 0.1587-ha - still short of the minimum requirement of 0.4-ha. (additional lands will

be obtained from the lands to be transferred through the road closing process.)  
Re-zoning will be required.

B16/044 – is a 0.81-ha parcel of land to be added to lands owned by 4287371 Canada Inc. & Rossdale Management Inc. together with an easement over Pt. 19 27R-6621 and Pt 5 27R-6517. This will increase the size of the lot from 2.535-ha to 3.345-ha, which exceeds to minimum lot size. However the lands are currently zoned as Tourist Commercial to accommodate the previous use – resort / marina and will need to be rezoned to Residential Limited Service. As well additional land will be obtained from the road closing process.

The road closing process has commenced and is currently at the point where the severances need to be completed before the road allowance lands can be transferred to the respective abutting landowners.

#### Road Access

The lands are accessed via Big Rideau North Shore Road, an existing private road adjoining Miner's Point Road a municipally maintained road.

Bedrock Inventory – granite, syenite, gneisses

#### Archaeological

The lands are located within 300 m of Primary Water Source (Big Rideau Lake) and therefore are subject to archaeological potential. The lands are currently developed, with any new development, the Township may wish to impose a conditions requiring an Archaeological Investigation. In the meantime, a note should be included.

#### State of the Lake Report

The Rideau Lakes Watershed Plan notes that Rideau Lakes subwatershed is good based on a review of the available water quality records and the absence of any major water quality crisis. Total phosphorus concentrations are declining on average in recent years and the clarity of the lakes using Secchi disk, is reasonable. Forest cover is increasing over the last fifty years as the original farms are abandoned and the land reverts to trees.

Invasive species, in particular, zebra mussels, both larvae and adults have been detected in Rideau Lake. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

#### Endangered Species

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

Gray Ratsnake (THR)

### Official Plan Policies

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

### Zoning

The subject property is currently within the Residential Limited Service – 1, which provided for the marina / club previously operated on the lands. A re-zoning will be required to eliminate the special exception. Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

### Conclusion

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

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

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



favourable consideration.

**(e) MINUTES – September 6, 2016**

Bill Sinclair, owner/agent, Joyce Sinclair, owner and Malcolm Nash, purchaser attended the hearing and gave evidence under oath.

Mr. Nash advised that the consent process also includes a road closing process through the Township, which has been approved and will be completed once the consents have been granted.

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.

**B16/041**

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 purpose of the consent is to create an easement in favour of Jeffrey Levac and Lois Moulton-Levac, Pt. Lot 18 Conc. 3 North Burgess.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

**B16/042**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed land shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Malcolm Alexander Nash and Wanda Ann Nash described art Pt. Lot 19 Conc. 3 North Burgess, Part 1 on Reference Plan 27R-2739 and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
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2. *Parks Canada also advise one of the guiding principles for the vision of the Rideau Canal is that the historic values, natural features, scenic beauty and diversity of cultural landscapes constitute its unique heritage character and should be respected. This can be done through limiting development within the 30 m buffer zone. Any new development should be unobtrusive, visually screened and integrated within the vegetation and topography.*
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**B16/043**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed land shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Jeffrey Levac and Lois Moulton-Levac, Pt. Lot 18 Conc. 3 North Burgess and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
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**B16/044**

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## LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

<b>Owner:</b> Constance Shaw and James Green	<b>Hearing Date:</b> Sept 6, 2016
<b>Applicant/Agent:</b> James Green	<b>LDC File #:</b> B16/045
<b>Municipality:</b> Tay Valley	<b>Lot: 4 Conc.: 6</b>
<b>Geographic Township:</b> Bathurst	<b>Consent Type:</b> New lot
<b>Roll Number:</b> 0911 916 020 10300	

**Purpose and Effect:**

To sever a 7.4-ha residential building lot and retain a 40.80-ha landholding with an existing dwelling, barn and outbuildings located at 20468 Hwy 7.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Farm / Residential
<b>Proposed Use</b>	Residential	Farm / Residential
<b>Area</b>	7.4-ha	40.8-ha
<b>Frontage</b>	245 m	375 m
<b>Depth</b>	300 m	1017 m
<b>Road - Access to</b>	Prov. Highway	Prov. Highway
<b>Water Supply</b>	Proposed	Private well
<b>Sewage Disposal</b>	Proposed	Septic System
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural and organic soils & mineral Resource 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.

#### **2.5 Mineral Aggregate Resources**

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

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

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

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

**3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.1 Provincial Highways, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 General Development Policies, Section 2.17 Public Road Access, Section 2.18 Land Use Compatibility and Influence Areas, Section 2.20 Natural Hazard Features, Section 2.22 Natural Heritage Features, Section 2.23.1 Water Supply and Sewage Disposal, Section 3.3 Mineral Resources, Section 3.6 Rural, Section 4.2 Provincial Highways, Section 4.4 Township Roads, Section 5.2 Land Division.

Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

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

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report -****BACKGROUND**

The proposal is to sever a 7.4 ha building lot and retain a 40.8 ha landholding with an existing dwelling, barns and sheds, at 20468 Highway 7.

**DISCUSSION**

Consistent with Provincial Policy Statement - Yes

Conforms to Official Plan - Yes

Complies with Zoning By-Law - Yes

Recommend consent for this application - Yes

**Recommended Conditions**

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Payment of \$100 Cash-in-Lieu of Parkland

**PROVINCIAL POLICY STATEMENT**

No concerns.

**OFFICIAL PLAN**

Section 3.6 Rural, with portions of Mineral Resource and Organic Soils on the retained parcel. . The proposed lot will be created outside the boundaries of the

wetland so conforms to the requirements of the Provincial Policy Statement and the Township's Official Plan.

#### ZONING BY-LAW

The parcel is zoned Rural and the size and frontage requirements are met by the proposed and retained lots. A building envelope exists that is at least 30m from the wetland with the potential to be over 100m from the wetland (which would mean no site plan control agreement requirement for any future building at that distance). There is an existing entrance from Highway 7.

Rideau Valley Conservation Authority (RVCA) has no objection to the application provided that any new site disturbance, on both the severed and retained lots, is outside a 30m setback from the wetland and Rudsdale Creek.

Mississippi Rideau Septic System Office (MRSSO) has no objections; both severed and retained lots are capable of supporting an OBC compliant sewage system at sufficient setback.

#### CONCLUSION

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

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan (or legal description) and two copies of the deed/transfers(s) be submitted to the Township.
4. That, payment of \$100.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands."

#### **Conservation Authority** – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of:

- Section 2.1 Natural Heritage and
- Section 3.1 Natural Hazards

of the Provincial Policy Statement under Section 3 of the Planning Act.

And per the Rideau Valley Conservation Authority's Ontario Regulation 1.74-06 under Section 28 of the Conservation Authorities Act.

We offer the following comments for the Committee's consideration:

#### Proposal

The application seeks approval for the creation of a new lot 7.4 hectares in area, retaining 40.80 hectares with frontage on Rudsdale Creek and the adjoining wetland.

#### The Property

The property is traversed by Rudsdale Creek flowing from the north, dividing the proposed retained parcel from the proposed severed parcel. The creek channel

is relatively minor. However, there is a large unevaluated wetland area of the property adjacent to the creek. The wetland area is not yet regulated by the Conservation Authority per Ontario Regulation 174-06 ("Development, Interference with Wetland and Alterations to Waterways" regulation). The Creek itself however, is subject to our regulation regarding alteration to waterways. There has been some alteration to the shoreline of Rudsdale Creek at the south end of the property. Further to a visit to the property by our regulations staff and subsequent sediment fencing installed, our regulatory concerns have been addressed.

#### Recommendations

The Rideau Valley Conservation Authority has no objection to this application provided the approval provides for a minimum 30 metre setback from the wetland and watercourse, within which there shall be no additional site disturbance on the retained and the proposed severed lot.

We note that notification should be provided to the owner that written permission from the Rideau Valley Conservation Authority is required for alteration to the watercourse per Ontario Regulation 174-06 (Rideau Valley "Development, Interference to Wetlands and Alterations to Waterways" Regulation).

Thank you for the opportunity to comment

#### **Ministry of Transportation**

The following will confirm receipt of County of Lanark, application for consent for civic address 20468 Highway 7. The Ministry of Transportation (MTO) has reviewed the information and provides the following comments.

MTO has no objection for this severance, to sever a 7.4 ha residential building lot as submitted.

It should be noted under the authority of the Public Transportation and Highway Improvement Act R.S.O. 1990, the Ministry through the issuance of permits controls all land use within 45 meters (150 feet) of the Ministry's property limit and 395m (1300 feet) from the centre point of any intersection on Highway 7. As such future development (Construction of a residence) of the lot is subject to an MTO Building and Land Use Permit. An MTO Entrance Permit is also required.

MTO Permits are required prior to the start of any construction and can be obtained from Naveen Prasad, Corridor Management Officer, at the Ministry of Transportation Kingston Office, 1355 John Counter Blvd, Postal Bag 4000, Kingston Ontario, K7L 5A3, Phone (613) 544-2220 x4126 Toll Free 1 (866) 224-0622.

#### **Septic Office** – Mississippi Rideau Septic System Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted May 9, 2016.

The applicant proposes to sever a 7.4 hectare parcel from the west portion of the retained parcel to create a new lot. The proposed parcel is vacant with an elevated open field near the highway, well treed and wetlands towards the northern boundary. An open pit provided an opportunity to observe the soil conditions. The native material would be medium to fine sand with silt. The pit was approximately

60cm in depth.

The retained parcel is 40.80 hectares. The property is developed with a dwelling, barn and several outbuildings. A new sewage system was installed in 2012 (12V066) to service the existing dwelling. Near the highway the land is primary agricultural fields. Towards the northern boundary there is large wetland. No test pits were provided.

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

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

**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 7.4-ha residential building lot and retain a 40.80-ha landholding with an existing dwelling, unused log barn and outbuildings located at 20468 Hwy 7.

The subject lands are located in an area characterized by large landholdings, and agricultural operations (mainly cropping). The settlement area of Brooke lies approximately 1 km to the east. A large portion of the entire landholding is covered by a wetland adjacent to Rudsdale Creek.

**Road Access**

The lands are accessed via Highway 7, a Provincially maintained road.

**Natural Heritage**

Rudsdale Creek flows through the property with a large unevaluated wetland adjacent to the creek. This area limits development potential of the large landholding to two areas, the one being proposal and an area with access to Kirkham Road to the north.

**Aggregate**

A portion of the retained lands is recognized as “Mineral Resource”, however this area is not licensed. The proposed new lot is outside the influence/setback area indicated by the Township’s Official Plan (150 m).

**Agricultural Operations**

Although a barn has been identified on the property, it is unused and therefore no

MDS was undertaken. The barn is approximately 260m from the easterly lot line of the proposed new lot.

#### Soils Inventory

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

#### Bedrock Inventory – granodiorite

#### 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:

Least Bittern (THR)

#### Official Plan Policies

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

#### Zoning

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

#### Conclusion

The Provincial Policy Statements encourages development to occur in designated

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

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

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

**(e) MINUTES – September 6, 2016**

James Green, owner attended the hearing and gave evidence under oath.

Mr. Green advised that he has been in touch with MTO regarding the entrance onto Highway 7. Also noting that although a barn is located on the retained lands an MDS was not undertaken as it is not used for livestock.

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.

**B16/045**

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 Tay Valley Township.

4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
7. Payment shall be made to Tay Valley Township representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
8. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
9. The applicant shall submit a full entrance application to the Ministry of Transportation and install the entrance as required in the permit. The applicant shall consult directly with the MTO in this regard.
10. A letter shall be received from the Ministry of Transportation stating that condition #9 has been fulfilled to their satisfaction.
11. A letter shall be received from Tay Valley Township stating that condition #3 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Rideau Septic System Office advises that an OBC compliant sewage system should be installed greater than 30m from a surface water body. An approved septic permit is required prior to the issuance of most building permits.*
2. *The Ministry of Transportation advises that future development (construction of a residence) of the lot is subject to an MTO Building and Land Use Permit.*
3. *The Rideau Valley Conservation Authority advises that there shall be no additional site disturbance on the retained and the proposed severed lot within a minimum 30 metre setback from the wetland and watercourse.*
4. *The RVCA also advises that written permission from the Rideau Valley Conservation Authority is required for alteration to the watercourse per Ontario Regulation 174-06 (Rideau Valley "Development, Interference to Wetlands and Alterations to Waterways" Regulation).*
5. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits*

*killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

<b>Owner:</b> Dawn Trent	<b>Hearing Date:</b> Sept 6, 2016
<b>Applicant/Agent:</b> James & Shelley Filipoff	<b>LDC File #:</b> B16/048
<b>Municipality:</b> Lanark Highlands	<b>Lot: 4 Conc.:</b> 3
<b>Geographic Township:</b> Lanark	<b>Consent Type:</b> new lot
<b>Roll Number:</b> 0940 934 025 02100	

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

To sever a 2.46-ha residential building lot with an existing workshop, summer residence and kennel and retain a 12.0-ha residential landholding with an existing dwelling located at 509 Rosetta Road.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Workshop, kennel, summer residence	Residential
<b>Proposed Use</b>	Same	Residential
<b>Area</b>	2.46-ha	12.0-ha
<b>Frontage</b>	82 m	600 m
<b>Depth</b>	300 m	300 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Private Well	Private Well
<b>Sewage Disposal</b>	Privy	Septic System
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural, 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.

### **2.2 Water**

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

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

### **2.6 Cultural Heritage and Archaeology**

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

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

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

### **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.1 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 Habitat, Section 5.3.2 Wetlands, Section 6.5 Unstable Slopes and Organic Soils, Section 7.4.3 Local 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 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 6.07 acre (2.46 hectare) lot with an existing workshop and summer residence and to retain a 29.6 acre (12 hectare) residential lot with an existing dwelling located at 509 Rosetta Road. All lands are accessed via Rosetta Road.

#### **PROVINCIAL POLICY**

The 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 one (1) rural-residential building lot 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 along Rosetta Road. The proposed severed lot would be serviced by private well and septic services.

Based on the above analysis, 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. Schedule B of the Township's Official Plan shows a large area of organic soil near the back area of the proposed severance. It appears that the proposed new lot is not impacted by the nearby organic soils. There is a nearby Provincially Significant Wetland, however, it is located at the back of the retained lands where no new development is being proposed.

#### ZONING

The subject property is predominantly zoned as Rural in the Township's zoning by-law. There is a small area of the retained lands that is zoned Environmental Protection. The EP zone is in an area of the property where no new development is planned.

The proposed lot exceeds the minimum frontage and area requirements of the RU zone and meets all other provisions of the Zoning By-law.

#### INTERNAL STAFF REVIEW

Staff reviewed the application. No comments were received.

#### DISCUSSION

A Minimum Distance Separation calculation was conducted for this application. The existing structures exceed the required minimum setback of 96m (314 ft) from the nearest livestock building.

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.

**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 2.46-ha lot (estimated using lot dimensions provided in the application), with existing outbuildings and a kennel, and retain a developed parcel of land measuring approximately 11 ha (estimated using GIS mapping).

#### PROPERTY CHARACTERISTICS

A review of available GIS mapping and Drape Imagery revealed that the retained lands have frontage on the Clyde River. The Clyde River also exists along a section of the western lot line of the retained lands. This same section of the river has been classified as provincially significant wetland (PSW), referred to as the Gillies Lake-Kerr Lake Wetland. A portion of both the severed and retained land are within the 120 m adjacent lands of the PSW. In addition, unclassified wetlands exists in the southern and western sections of the retained lands.

#### REVIEW

##### 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). However, it is our opinion that there is limited value in conducting an EIS at this time given that sufficient area exists on the severed lands for future development beyond the 120 m adjacent lands. And, the retained lands are already developed with no new development proposed at this time.

However, in the event that future development is proposed within the adjacent lands of the PSW, an EIS may be required at that time to evaluate the proposal.

Waterbody and Unclassified Wetland 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 waterbody. MVCA also recommends a 30 m development setback from any wetland due to their numerous benefits.

These natural heritage features have been identified on the retained lands. However, 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 application.

#### RECOMMENDATIONS AND CONCLUSION

With all of the above in consideration, MVCA does not have any objection to the subject application.

#### NOTES

The property owner should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to the initiation of any interference within the Regulation Limit (Le. within 120 m) of the PSW, or for any alterations to the shoreline of the river.

The unclassified wetland on the retained lands should remain undisturbed. And, shoreline vegetation surrounding the wetland should be retained to a minimum depth of 15 m.

In the event that future development is proposed within the 120 m adjacent lands of the PSW, an Environmental Impact Statement (EIS) may be required at that time to evaluate the proposal.

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 Lands – Good drainage, lot slopes toward the Clyde River. 0 – 0.5m silty loam soil over bedrock. Mostly cleared. Fields surrounding an existing barn and out buildings. Recommendation – the proposed new lot would be large enough to accommodate on-site sewage disposal. If the existing well is used to provide running water in the summer residence, a conforming septic system must be installed to accept waste water. A permit will be required.

Retained lands – good drainage around the existing house. The property slopes toward the Clyde River. 0 – 0.5m silty loam topsoil over bedrock. Recommendation – severing this lot will not negatively impact on-site sewage disposal for the retained property. Applicant indicated existing septic system will be replaced. A permit to construct or demolish will be required prior to commencing this work.

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

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

Subsequent to review by our local Engineering Department of the above noted



lands, it has been determined that Bell Canada has no concerns or objections with the application.

**(c) PUBLIC INPUT**

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

James Phillipoff – July 15, 2016

I would like to be informed of an attend the meeting of our proposed severance.

**(d) PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a residential lot with an existing steel outbuilding, barn, kennel and privy and to retain a 12.0-ha landholding with an existing residential dwelling located at 509 Rosetta Road.

The lands are located in an area characterized with large land holdings. The Village of Lanark lies to the south approx.5km.

Road Access

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

Archaeological

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

Agricultural Operations Agricultural Operations

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 93m, the actual distance from the barn to the closest proposed lot line is shown by the applicant as 140m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

Soils Inventory

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

Bedrock Inventory – marble, calc-silicate

Endangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records 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)

### 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 19, 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 – September 6, 2016**

James Fillipoff, applicant attended the hearing and gave evidence under oath.

Mr.Fillipoff advised that the Township has reviewed and approved the existing entrance to the lot.

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.

**B16/048**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. 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 applicant shall obtain an entrance location permit from the Township of Lanark highlands. The applicant shall consult directly with the Township in this regard.
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. 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.
12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 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", a permit is required from MVCA prior to the initiation of any interference within the Regulation Limit (Le. within 120 m) of the PSW, or for any alterations to the shoreline of the river.*
2. *The MVCA also advise that the unclassified wetland on the retained lands should remain undisturbed. And, shoreline vegetation surrounding the wetland should be retained to a minimum depth of 15 m.*
3. *Also, In the event that future development is proposed within the 120 m adjacent lands of the PSW, an Environmental Impact Statement (EIS) may be required at that time to evaluate the proposal.*
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 Leeds Grenville and Lanark Health Unit advises that if the existing well is used to provide running water in the summer residence, a conforming septic system*

*must be installed to accept waste water. A permit will be required.*

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

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

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

<b>Owner:</b> Mary Noreen Donnelly	<b>Hearing Date:</b> Sept 6, 2016
<b>Applicant/Agent:</b> Mary Donnelly	<b>LDC File #:</b> B16/056
<b>Municipality:</b> Tay Valley	<b>Lot:</b> 20 <b>Conc.:</b> 8
<b>Geographic Township:</b> North Burgess	<b>Consent Type:</b> New Lot
<b>Roll Number:</b> 0911 911 015 22700	

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

To sever a 0.26-ha seasonal residential lot with an existing log dwelling, t/w access over a driveway on the retained lands and a right-of-way over the private road, and to retain a 0.88-ha seasonal residential lot with an existing cottage.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Seasonal residential	Seasonal Residential
<b>Proposed Use</b>	Seasonal Residential	Seasonal Residential
<b>Area</b>	0.26-ha	0.88-ha
<b>Frontage</b>	33 m	426 m
<b>Water Frontage</b>	52 m	152 m
<b>Depth</b>	65 m	167.6 m
<b>Road - Access to</b>	Private Road	Private Road
<b>Water Supply</b>	Private Well	Lake Water
<b>Sewage Disposal</b>	None	Septic System
<b>Zoning By-law Category</b>	Residential Limited Services	Residential Limited Services
<b>-Area (minimum)</b>	0.405-ha	0.405-ha
<b>-Compliance?</b>	no	Yes
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	no	Yes

**Official Plan Designation:** Rural with organic soils and abandoned mine influence 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.c) Healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.

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

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

### **1.1.5 Rural Lands in Municipalities**

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

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

### **1.6 Infrastructure and Public Service Facilities**

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

### **2.1 Natural Heritage**

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

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

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

### **2.2 Water**

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

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

### **2.4 Minerals and Petroleum**

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

## **2.6 Cultural Heritage and Archaeology**

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

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

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

## **3.1 Natural Hazards**

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

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

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

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

**Local Official Plan** - Section 2 General Development Policies, Section 2.17 Public Road Access, Section 2.19 Archaeological Resources, Section 2.20 Natural Hazard Features, Section 2.22 Natural Heritage Features, Section 2.23.1 Water Supply and Sewage Disposal, Section 3.6 Rural Policies, Section 4.5 Private Roads, Section 5.2 Land Division.

Tay Valley Township advises that the proposal conforms to the designations and policies of the Official Plan.

**Zoning By-law** – Section 3 General Provisions, Section 5.3 Limited Services Residential.

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

### **Township Planner's Report -**

#### **BACKGROUND**

The proposal is to sever a 0.26 ha residential lot with an existing log house located at 620 Pike Lake Route 17 A, together with an easement for access, and retain a 0.88 ha residential lot with an existing cottage located at 602 Pike Lake Route 17 A.

#### **DISCUSSION**

Consistent with Provincial Policy Statement - Yes

Conforms to Official Plan - Yes

Complies with Zoning By-Law - No



Recommend consent for this application - Yes

Recommended Conditions

- Payment of all taxes owing
- Payment of all costs incurred by the Township for review
- Two copies of the Deed/Transfer
- Two copies of the reference plan
- Payment of \$200 Cash-in-Lieu of Parkland
- Amend the zoning to recognize the undersized frontage of the previously existing lot, OR, realign the boundary between the two lots so that both comply with frontage requirements.

PROVINCIAL POLICY STATEMENT

No concerns.

OFFICIAL PLAN

Section 3.6 Rural.

ZONING BY-LAW

The parcel is zoned Residential Limited Services (RLS) along the waterfront and Rural (RU) behind the private road. As proposed, the 0.26 ha cottage lot to be severed has a water frontage of 45m and the retained cottage lot has a water frontage of over 85m (MPAC data). It appears that the water frontage could be divided so that both lots have at least the 60m required by the Zoning By-Law.

Rideau Valley Conservation Authority (RVCA) does not support the current proposal because it creates a lot with undersized water frontage, but would support the application if revised so that both severed and retained lots meet frontage minimums. RVCA has no objection to the new proposed right-of-way, as any disturbance is farther back than the 30m setback from the lake.

Mississippi Rideau Septic System Office (MRSSO) comments were not received at the time of report.

CONCLUSION

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

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan (or legal description) and two copies of the deed/transfers(s) be submitted to the Township.
4. That, the zoning be amended to recognize the undersized frontage of the previously existing lot, OR, that the boundary with the proposed retained lot be realigned so that both lots comply with frontage requirements.
5. That, payment of \$200.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands."

**Conservation Authority** – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of:

- Section 2.1 Natural Heritage and
- Section 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act, and
- per the Rideau Valley Conservation Authority's Ontario Regulation 174-06 under Section 28 of the Conservation Authorities Act.

We offer the following comments for the Committee's consideration:

#### Proposal

The resubmission of this application seeks approval to sever a .26 hectare (.6 acre) portion of the current lot along with the right -of-way, retaining .88 hectares. Both the proposed severance and retained area have existing cottages on-site. We understand that the lot creation is intended to restore status of two separated lots, as existed pre 1970's.

#### The Property and Recommendations

Per our original comments regarding the proposed right-of-way, our comment does not change. The right-of-way "will extend 45 metres from the access road (Pike Lake 17a) across the rear of the adjacent lot to the existing driveway.

A portion of the new Right of way is to extend within the 30 metre setback of the lake, however, only the upper portion of the new access way, furthest section from the lake, need be disturbed to accommodate the proposed driveway extension".

Regarding the separation of the two developed lots, it appears that there is sufficient frontage available to meet the minimum water frontage of 60 metres on both the proposed severed and retained parcels per the municipal requirements. The Rideau Valley Conservation Authority recommends that the lot creation strive to achieve this standard . In this respect, we do not support the current proposal. Should the application be revised to address the frontage minimums, we would be in a position to support the application.

We note for information, that written permission from the Rideau Valley Conservation Authority is required for any future alteration to a watercourse per Ontario Regulation 174-06 ("Development, Interference with Wetlands and Alteration to Waterways" Regulation).

Thank you for the opportunity to comment

#### **Septic Office** – Mississippi Rideau Septic System office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC), A site visit was conducted May 13, 2016,

The applicant proposes to sever a 0,26 hectare parcel from the retained parcel to create a new lot and right of way, The retained parcel is 0.88 hectares,

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

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

building permits,

**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 a 0.26-ha seasonal residential lot with an existing log dwelling, t/w access over a driveway over the retained lands and a right-of-way (easement) over the private road, and to retain a 0.88-ha seasonal residential lot with an existing cottage. The lands were inadvertently merged on title through the transfer of documents from Land Registry to Land Titles. The two parcel of lands receive separate tax bills and were purchased at separate times (1965 and 1985).

The subject lands are located in an area characterized by typical smaller type seasonal residential lots along the shores of Pike Lake.

**Archaeological**

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

**Mining**

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

**Road Access**

The lands are accessed via Pike Lake Lane 17A, a private r-o-w which adjoins Powers Road, a municipally maintained road.

**Bedrock Inventory** – granodiorite, granite, syenite

A ‘State of the Lake Environment Report’ was undertaken on Pike Lake between 2001 and 2008. The report was able to conduct a comparison between water quality conditions as they existed in 2008, to results obtained 35 years earlier. In general the lake is in reasonably good shape. Test results for the lake vary greatly, depending on weather conditions of the previous year, winter temperatures, spring runoff and temperature and precipitation pattern through the spring and into the summer. The sampling over time has not provided a definitive pattern to the elevated nutrient concentrations. The Lake was also tested for invasive species, in particular, zebra mussels and spiny water flea. Neither species were detected. Precautions need to be taken to avoid the spread of invasive species from other

lakes.

#### Endangered Species

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

#### Official Plan Policies

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

#### Zoning

The subject property is currently within the Residential Limited Services section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed retained lot meets the minimum lot frontage and size, the severed lot does not meet the minimum requirements for waterfront. However the Township supports the application provided a re-zoning is undertaken to address the shortage (8 metres). Any new development will be required to meet the minimum setback requirements of the Zoning By-law.

#### Conclusion

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

Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

**(e) MINUTES – September 6, 2016**

Mary Donnelly, owner attended the hearing and gave evidence under oath.

Ms. Donnelly advised that she had received the small lot with the log cabin in the 1960's and then the larger seasonal residential lot was willed to her when her parents passed on. Also, that she is still receiving two tax bills for the properties.

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.

**B16/056**

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

6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
8. Payment shall be made to Tay Valley Township representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
9. The applicant shall obtain appropriate relief from the minimum lot frontage provisions of the Zoning By-law for Tay Valley Township by way of an amendment to the Zoning By-law.
10. A letter shall be received from Tay Valley Township stating that condition #4 through #9 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Mississippi Rideau Septic System Office advised that an approved septic permit is required prior to the issuance of most building permits,*
2. *The Rideau Valley Conservation Authority advises that written permission from the Rideau Valley Conservation Authority is required for any future alteration to a watercourse per Ontario Regulation 174-06 ("Development, Interference with Wetlands and Alteration to Waterways" Regulation).*
3. *Residents and users of Pike Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from other lakes.*
4. *The applicant is advised that if during the process of development an abandoned mine excavation and/or shaft is discovered, the developer or their agents should immediately contact the Ministry of Northern Development and Mines to determine the rehabilitation measures to address and/or mitigate the hazard that may be required.*
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. *Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

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



## LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT**

<b>Owner:</b> Joanne Taggart	<b>Hearing Date:</b> Sept 6, 2016
<b>Applicant/Agent:</b> Michelle Taggart	<b>LDC File #:</b> B16/062
<b>Municipality:</b> Tay Valley	<b>Lot: 15 Conc.:</b> 3
<b>Geographic Township:</b> North Burgess	<b>Consent Type:</b> New lot
<b>Roll Number:</b> 0911 911 020 08001	<b>Resubmission File No.</b> B13/160

**Purpose and Effect:**

To sever a 0.38-ha residential building lot with an existing wood frame cabin and retain a 3.9-ha residential lot with an existing dwelling and garage located at 100 Mica Point.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Seasonal Dwelling	Seasonal Dwelling
<b>Proposed Use</b>	Seasonal Dwelling	Seasonal Dwelling
<b>Area</b>	0.3811-ha	2.98-ha
<b>Frontage</b>	20 m	133 m
<b>Water Frontage</b>	60 m	135 m
<b>Depth</b>	56.85 m	200 m
<b>Road - Access to</b>	Private Road	Private Road
<b>Water Supply</b>	Proposed	Lake
<b>Sewage Disposal</b>	Proposed	Septic System
<b>Zoning By-law Category</b>	Residential Limited Service	Seasonal Residential
<b>-Area (minimum)</b>	Re-zoned by By-law 2015-	0.405-ha
<b>-Compliance?</b>	033 as a condition of	Yes
<b>-Frontage (minimum)</b>	previous severance	45 m
<b>-Compliance?</b>	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.

### **2.6 Cultural Heritage and Archaeology**

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

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

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

### **3.1 Natural Hazards**

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

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

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

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

**Local Official Plan** – Section 2 General Development Policies, Section 2.17 Public Road Access, Section 2.19 Archaeological Resources, Section 2.20 Natural Hazards, Section 2.22 Natural Heritage Features, section 2.23.1 Water Supply and Sewage Disposal, Section 3.6 Rural, Section 4.5 Private Roads, Section 5.2. Tay Valley Township advises that proposal conforms to the designations and policies of the Official Plan.

**Zoning By-law** – Section 3 general Provisions, Section 5,3 Limited Services Residential.

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

#### **(b) AGENCY REVIEW**

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

#### **Township Planner's Report -** **BACKGROUND**

The proposal is to sever a 0.44 ha residential lot and retain a 3.9 ha residential lot with an existing cottage located at 100 Mica Point Road. This is a resubmission of application B 13/160 which lapsed before completion of conditions.

#### **DISCUSSION**

Consistent with Provincial Policy Statement - Yes

Conforms to Official Plan - Yes

Complies with Zoning By-Law - Yes

Recommend consent for this application - Yes

Recommended Conditions

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

- Payment of \$200 Cash-in-Lieu of Parkland

#### PROVINCIAL POLICY STATEMENT

No concerns.

#### OFFICIAL PLAN

Section 3.6 Rural.

#### ZONING BY-LAW

The retained parcel is zoned Seasonal Residential (RS) and the proposed severed parcel was rezoned to Residential Limited Services (RLS) as a condition of the previous severance application. Development plans include moving the cottage from the retained lot to the severed lot, and building a new cottage on the existing footprint on the retained lot.

The Rideau Waterway Development Review Team (including Rideau Valley Conservation Authority (RVCA)) does not object to creation of the new lot provided that a 30m setback be respected for all development, and that native vegetation in the setback area be maintained and enhanced. Parks Canada recommends that new development be unobtrusive, visually screened, and integrated within the vegetation and topography.

Mississippi Rideau Septic System Office (MRSSO) has no objections to the severance as proposed. The cabin on the severed lot is serviced by a sewage system installed in 2015, and the cottage on the retained parcel is serviced by a sewage system which also meets setback requirements.

#### CONCLUSION

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

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan (or legal description) and two copies of the deed/transfers(s) be submitted to the Township.
4. That, payment of \$200.00 shall be made to Tay Valley Township representing Cash-in-Lieu of Parklands

#### **Conservation Authority** – Rideau Waterway Development Review Team

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

and Parks Canada- Rideau Canal Office within the context of:

- The Federal Fisheries Act,
- The Historic Canals Regulations
- The UNESCO World Heritage designation of the Rideau Canal.

#### The Proposal

According to our information, this is a resubmission of a similar 2013 application, now proposing a .38 hectare waterfront lot.

For your convenience, we repeat our comments below, acknowledging that the cottage on the severed lot is now serviced with a new septic system.

#### The Property

The proposed severed lot has a gentle slope to water. Soil and vegetation cover are stable; native vegetation, mainly maturing hardwood over shallow well drained soils occupy the site.

There are no significant (flood or erosion hazards) affecting this property so as to preclude the lot creation.

There are no significant wetlands in the vicinity which would be impacted by this lot creation.

There are no water access structures on the frontage of the proposed lot. The retained lot has an elevated stone patio immediately upland of the high water mark and a boat port in the water. There appears to be a small amount of pea stone placed at the water's edge on the retained parcel and a maintained lawn area also fronts the lake on the proposed retained lot in/around the existing cottage.

#### Recommendations

On behalf of the Parks Canada-Rideau Canal Office and Rideau Valley Conservation Authority we do not object to the creation of the new lot.

However, we recommend the following conditions be imposed on the new lot to recognize that:

- Development and disturbance setback respect a minimum 30 metre setback from the normal high water mark of Big Rideau Lake, within which the existing native buffer be maintained and/or enhanced (soil cover, native ground cover, shrubs and trees), excepting a modest pedestrian access to the shore.
- Parks Canada - Rideau Canal Office is the approval authority for all in-water works along the Canal system. If the landowner wishes to carry out any new in- water works for any shoreline work including but not limited to docks, decks, boathouses, launch ramps, beaches, dredging and shoreline stabilization devices. Care must be taken with any work, and/or development such that no harmful alteration, disruption or destruction of fish habitat will result. The Rideau Canal Office must be contacted and written approval obtained prior to the commencement of construction. Any disturbance of the shoreline may affect fish habitat.
- Regarding the Rideau Canal National Historic Site Management Plan, Parks Canada has committed to the people of Canada for the on-going conservation and stewardship of the waterway. One of the guiding principles for the vision of the Rideau Canal is that the historic values, natural features, scenic beauty and diversity of cultural landscapes constitute its unique heritage character and

should be respected (section 3.2 p.16).

- With the inscription of the Rideau Canal as a UNESCO World Heritage Site in 2007, the World Heritage Committee recommended the protection of the visual setting of the Canal in order to ensure the visual values of the setting are protected alongside environmental values. One way this can be done is through limiting development within the 30 m buffer zone. Parks Canada staff recommend that new development be unobtrusive, visually screened and integrated within the vegetation and topography.

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

For the owner's information, please note that the 1:100 year flood elevation on Big Rideau Lake is 124.51 metres geodetic. Proposed development and alteration on the site and the shoreline of Big Rideau Lake should have regard for the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06). For more information, please review the RVCA's 'Guidelines for Shoreline Works' brochure).

The Rideau Lake Watershed Plan stated that Big Rideau Lake was in good ecological health but showed signs of stress resulting from recreational use, climate change and development pressure (Rideau Valley Conservation Authority, 2009). More recent data presented in updated Rideau Lake Sub watershed Report (2014) Big Rideau-Rideau Ferry Catchment summary report indicates that this continues to be the case and that a proactive cautionary program of best management practices is important to ensure the protection of the lake environment.

The RVCA supports the installation of additional native plantings between the existing residence (retained lot) and the water, excepting the access leading to the dock. The RVCA has programming (the "Rural Clean Water Program" and the "Shoreline Naturalization Program" to assist with this voluntary planting effort (1-800-267-3504 x1128 or x1132).

Trusting this is satisfactory. 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** – Mississippi Rideau Septic System Office

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

The applicant proposes to sever 0.38109 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is developed with a cabin that is greater than 50m from Big Rideau Lake. The cabin is serviced by a Class 4 Filter Media sewage system installed in 2015 (15V029), wholly contained within the boundaries of the proposed lot. No test pits were provided.

The retained parcel is approximately 39.896 hectares. The property is developed with a cottage, garage and boathouse. The Class 4 sewage system which serves

the cottage is wholly contained on the retained parcel and meets the Building Code minimum separation distance of 3m to the proposed lot line. No test pits were provided.

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

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

**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 0.3811-ha seasonal residential lot with an existing frame cabin, subject to an easement in favour of the retained lands and retain a 3.99-ha seasonal residential lot with an existing seasonal dwelling and garage located at 100 Mica Point. This is a re-submission of consent B2013/160 which was inadvertently allowed to lapse.

The subject lands are located in an area characterized by typical smaller type seasonal residential lots along the shore of Big Rideau Lake. Murphy's Point Provincial Park is located to the east.

**Road Access**

The lands are accessed via Mica Point, a private road which adjoins Miner's Point Road, a municipally maintained road.

**Watershed Reports**

The Rideau Lakes Watershed Plan notes that Rideau Lakes sub watershed is good based on a review of the available water quality records and the absence of any major water quality crisis. Total phosphorus concentrations are declining on average in recent years and the clarity of the lakes using Secchi disk, is reasonable. Forest cover is increasing over the last fifty years as the original farms are abandoned and the land reverts to trees.

Invasive species, in particular, zebra mussels, both larvae and adults have been detected in Rideau Lake. Residents, property owners and occasional visitors need to take a stewardship approach and make sure that they minimize their impact on the lake environment. There is a need to ensure that all access points to the lake have been posted, indicating the presence of zebra mussels and the precautions they can take to avoid the spread of invasive species to other lakes.

Archaeological

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

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:

Gray Ratsnake (THR)

Official Plan Policies

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

Zoning

The subject property is currently within the Limited Services Residential section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law. The lands were re-zoned to meet the conditions imposed by Consent Application B13/160.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime

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

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

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

**(e) MINUTES – September 6, 2016**

Ian Taggart, representing Joanne Taggart attended the hearing and gave evidence under oath.

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.

**B16/062**

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



applications.

6. The applicant shall provide Tay Valley Township with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two (2) copies of the deed/transfer for the property.
8. Payment shall be made to Tay Valley Township representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
9. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
10. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Rideau Waterway Development Review Team as outlined in their report of June 16, 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 RWDRT.
11. A letter shall be received from the Rideau Waterway Development Review Team stating that condition #10 has been fulfilled to their satisfaction.
12. A letter shall be received from Tay Valley Township stating that condition #4 through #10 has been fulfilled to their satisfaction.

#### **NOTES**

1. *Residents and users of Big Rideau Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) to other lakes.*
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 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.*
4. *The Rideau Valley Conservation Authority advises that the 1:100 year flood elevation on Big Rideau Lake is 124.51 metres geodetic. Proposed development and alteration on the site and the shoreline of Big Rideau Lake should have regard for the RVCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" (Ontario Regulation 174/06). For more information, please review the RVCA's 'Guidelines for Shoreline Works' brochure).*
5. *The Rideau Lake Watershed Plan stated that Big Rideau Lake was in good*

ecological health but showed signs of stress resulting from recreational use, climate change and development pressure (Rideau Valley Conservation Authority, 2009). More recent data presented in updated Rideau Lake Sub watershed Report (2014) Big Rideau-Rideau Ferry Catchment summary report indicates that this continues to be the case and that a proactive cautionary program of best management practices is important to ensure the protection of the lake environment.

6. The RVCA supports the installation of additional native plantings between the existing residence (retained lot) and the water, excepting the access leading to the dock. The RVCA has programming (the "Rural Clean Water Program" and the "Shoreline Naturalization Program" to assist with this voluntary planting effort (1-800-267-3504 x1128 or x1132).
7. The Mississippi Rideau Septic System Office advises that an approved septic permit is required prior to the issuance of most building permits.
8. The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.
9. Endangered Species Act, 2007, and Species at Risk in Ontario Background  
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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

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



## LAND DIVISION STAFF REPORT

**APPLICATION FOR CONSENT**

<b>Owner:</b> Donald & Nancy Weir	<b>Hearing Date:</b> Sept 6, 2016
<b>Applicant/Agent:</b> Donald & Nancy Weir	<b>LDC File #:</b> B16/070
<b>Municipality:</b> Montague	<b>Lot:</b> 27/28 <b>Conc.:</b> 7
<b>Geographic Township:</b> Montague	<b>Consent Type:</b> Lot addition
<b>Roll Number:</b> 0901 000 025 13604	

**Purpose and Effect:**

To sever a 9.1-ha parcel of land as a lot addition to lands owned by Donald Earl Weir and Nancy May Weir at 375 Ferguson-Tetlock Road and to retain a 13.6-ha landholding.

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Lot Addition	Residential
<b>Area</b>	9.1-ha	13.6-ha
<b>Frontage</b>	No frontage	72.6 m
<b>Width</b>	217 m	
<b>Depth</b>	414 m	543 m
<b>Road - Access to</b>	none	Municipal Road
<b>Water Supply</b>	n/a	Proposed well
<b>Sewage Disposal</b>	n/a	Proposed septic
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	n/a – lot addition	1.0-ha
<b>-Compliance?</b>		Yes
<b>-Frontage (minimum)</b>		60 m
<b>-Compliance?</b>		Yes

**Official Plan Designation:** Rural with woodlands overlay

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

Section 1.1.1.c) Healthy, liveable and safe communities are sustained by avoiding

development and land use patterns which may cause environmental or public health and safety concerns.

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

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

#### **1.1.5 Rural Lands in Municipalities**

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

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

#### **1.6 Infrastructure and Public Service Facilities**

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

#### **2.1 Natural Heritage**

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

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

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

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

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

**Local Official Plan** - Section 2 General Development Policies, Section 2.21 Natural Heritage Features, Section 3.6 Rural, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report -****Application**

Thank you for circulating the Township of Montague on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the property owners seek permission to divide a 22.7 ha vacant lot into two, with the smaller portion (9.1 ha) being conveyed as a lot addition to an adjacent 0.4 ha (1 acre) lot also owned by the Weirs (described municipally as 375 Ferguson Tetlock Road). The 13.6 ha retained lot would retain its existing frontage also on Ferguson Tetlock Road and may eventually be residentially developed. While there is some severance history on the subject lot, this application does not have the effect of creating an additional building lot and as such it can be considered according to the Township's lot creation policies.

**Review**

The severed, retained and enlarged parcels are all designated Rural according to the Township's Official Plan; however there are Significant woodland and organic soils constraints overlays affecting much of the retained lands, as well as a natural heritage corridor, which is mapped however not further and specifically described in policy in the context of this site. If this were proposed as a new lot, feasibility studies would need to be undertaken in order to demonstrate the suitability of additional development, however the this consent would not create additional development potential compared to the present situation, given that the zoning on the vacant retained lands would already allow single residential development. While the lot addition would remove some non-constrained lands from the subject lot, this area is located further from the road and behind existing houses and would likely not be developed. Parts of the severed lot are identified as containing significant woodlands however since this parcel would be added to an already developed lot no additional development would be enabled. Given this, the overall impact on the planning context of this site appears to be quite minimal were this lot addition to proceed.

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

**Conclusion and Recommendations**

In conclusion and for the reasons outlined above, staff are of the view that the lot addition application is generally consistent with the Township's planning policies and do not object to its approval, provided the following site specific conditions are implemented:

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application. Copies shall be provided in both paper and electronic format.
- 3) The severed lands shall be for lot additions only to adjacent lands as identified in the Applications

**Conservation Authority** – Rideau Valley Conservation Authority  
*[RVCA report not available at this time. The lands have an unevaluated wetlands and woodlands. Standard note has been included to recognize the CA regulations.]*

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

Severed Lands – Large bush lot partially cleared. Fair drainage, no discernible slope. 0– 0.5 metres sandy, clay soil. Recommendations – as a lot addition this will increase the capacity for on-site sewage disposal on the existing lot. There were no obvious signs of failure for the existing septic system.

Retained Lands – large bush lot. Fair drainage, no discernible slope. 0 – 0.5 metres sandy , clay soil. Recommendations – Severing this land will not negatively impact on-site sewage disposal for the retained lot. Imported leaching bed fill would be required to construct a conforming septic system on this lot.

**(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 9.1-ha landholding as a lot addition to lands owned by Donald Earl Weir and Nancy May Weir at 375 Ferguson-Tetlock Road and retain a 13.6-ha vacant landholding.

The subject lands are located in an area characterized by a mixture of residential lots along Ferguson-Tetlock Road, general divided in strips of three lots. This lot addition will be added to a previously created lot (2003).

**Road Access**

The lands to be enlarged are accessed via Ferguson-Tetlock Road, a municipally maintained road.

**Soils Inventory**

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

Bedrock Inventory – dolostone, sandstoneEndangered Species

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records 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)
- Eastern Meadowlark (THR)

Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
3. Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Montague.

Zoning

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

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. and Section 1.1.5 Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural

lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

**(e) MINUTES – September 6, 2016**

Donald and Nancy Weir, owners attended the hearing and gave evidence under oath.

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.

**B16/070**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Donald Earl Weir and Nancy May Weir, described as Part Lot 28 Conc. 7 Montague, being Part 2 on Reference Plan 27R-8827 and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to



be entered into the parcel register as a restriction”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office. Survey plans shall be provided in both paper and electronic format.
7. The applicant shall confirm that a residential entrance to the retained lot is viable. The applicant shall consult directly with the Township of Montague in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Montague for the retained lot. The applicant shall consult directly with the Township in this regard.
9. A letter shall be received from the Township of Montague stating that condition #4 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority’s “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*
2. *The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill would be required to construct a conforming septic system on the retained lands.*
3. *The County of Lanark advises that, prior to the issuance of a building permit on the retained lands, 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 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

<b>Owner:</b> Hollington Homes Ltd	<b>Hearing Date:</b> Sept 6, 2016
<b>Applicant/Agent:</b> Carter Hollington	<b>LDC File #:</b> B16/074
<b>Municipality:</b> Lanark Highlands	<b>Lot: 6 Conc.: 2</b>
<b>Geographic Township:</b> Lanark	<b>Consent Type:</b> New lot
<b>Roll Number:</b> 0940 934 035 02150	

**Purpose and Effect:**

To sever a 1.09-ha residential building lot and retain a 1.428-ha residential building lot.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	1.09-ha	1.428-ha
<b>Frontage</b>	102.18 m	60 m
<b>Depth</b>	100 m	148.9 m
<b>Road - Access to</b>	County Road	County Road
<b>Water Supply</b>	Proposed Well	Proposed Well
<b>Sewage Disposal</b>	Proposed Septic	Proposed Septic
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	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 4.3.2 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 3.0 Planning Sustainable Communities, Section 3.3 Rural Communities, 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 14.0 Rural Zone  
The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

**Township Planning Report -**

An application has been received from the County of Lanark Land Division Committee to sever a 1.09-ha. (2.69 ac.) residential building lot and to retain a 1.42-ha. (3.5 ac.) residential building lot with access via Pine Grove Road. The lands are presently vacant and will be privately serviced. A common entrance has been approved by the County of Lanark.

**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 residential development on separate lots. The required minimum lot size is 0.8-ha. The proposed lot is 1.09-ha (2.69-ac) The required minimum frontage is 60m. The proposed lot has 102m of frontage and the retained lot has 60m of frontage on Pine Grove Road, which is a County road. (Rural Communities Section 3.3.6.3).

**ZONING**

The subject property is zoned Rural, which permits residential development. The subject lot and the retained lot have sufficient frontage, depth and area to meet the requirements of the 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. 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 an entrance location permit from the County of Lanark.

**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 1.40 ha and retain a vacant lot measuring 1.11 ha.

#### PROPERTY CHARACTERISTICS

A review of GIS Mapping and Drone Imagery shows that an unclassified wetland exists in the northwest section of the severed lands, adjacent to Pine Grove Rd. In addition, a tributary of Campbells Creek flows through this wetland. No significant natural hazards or natural heritage features were identified on the retained lands.

#### REVIEW

##### Natural Heritage Values - Wetland

A wetland has been identified on the proposed severed 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.

##### Natural Heritage Values - Watercourse

A watercourse has been identified on the proposed severed 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 severed 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 severed 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 severed 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 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 severed lands.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) [fisheriesprotection@dfompo.gc.ca](mailto: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 toward the northeast side. 0 – 0.4 cm of silty loam soil over rock. Partially cleared and partially wooded. Rock ridge along southwestern site. Recommendations – This proposal lot would be large enough to accommodate on-site sewage disposal. Imported leaching bed fill would be required to construct a conforming septic system.

Retained Lands – good drainage. 0 – 0.75 cm silty sand soil over rock. Mostly cleared land. Recommendation – severing this land would not negatively impact the potential for on-site sewage disposal on the retained land. Imported leaching bed fill may be required to construct a conforming septic system.

#### **Lanark County Public Works Department**

Applicant has an approved entrance location permit No. 2566 (Common Entrance)

Standard conditions to apply – road widening, road closing, approvals & 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 1.09-ha residential building lot and retain a 1.49-ha residential building lot. The original application was proposed to split the existing lot almost in two equal parts. Through discussion and site visit with the Conservation Authority, the application was revised in order to maintain the wetland area on one lot.

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 Pine Grove Road, a County maintained road.

**Source Water Protection**

The entire lot (severed and retained) is 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.

**Bedrock Inventory** – flows, tuffs, breccias**Endangered Species**

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there was a potential for 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 take effect August 19, 2016. The new policies only apply to those applications deemed complete after that date.)

### 3 Woodlands

The area has not been mapped as 'woodlands'. 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 – September 6, 2016**

Tim Hollington, representing Hollington Homes attended the hearing and gave evidence under oath.

Mr. Hollington noted that there is a small strip of land between his property and the County Road that will be required to be conveyed either to the County or to him, if not needed by the County. The Chair noted that this will be cleared up through the

title search and additional survey required for the new lot.

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.

**B16/074**

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated July 26, 2016.
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. That the applicant enter into a Development Agreement and/or Site Plan Agreement with the Township of Lanark Highlands. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of July 14, 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.

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 #4 through #10 (and #15 if required) has been fulfilled to their satisfaction.

**NOTES**

1. *The Mississippi Valley Conservation Authority advises 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 severed lands.*
2. *In addition, consultation with Fisheries and Oceans Canada (DFO)*

[fisheriesprotection@dfompo.qc.ca](mailto:fisheriesprotection@dfompo.qc.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.

3. The Leeds Grenville and Lanark District Health Unit advises that imported leaching bed fill would be required to construct a conforming septic system on both 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](http://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

<b>Owner:</b> George and Angelo Charos	<b>Hearing Date:</b> Sept 6, 2016
<b>Applicant/Agent:</b>	<b>LDC File #:</b> B16/084 & B16/085
<b>Municipality:</b> Mississippi Mills	<b>Lot: 12 Conc.: 11</b>
<b>Geographic Township:</b> Almonte	<b>Consent Type:</b> 2 new lots
<b>Roll Number:</b> 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.

DETAILS OF PROPOSAL	Lands to be Severed B16/084	Lands to be Severed B16/085	Lands to be Retained
<b>Existing Use</b>	Vacant	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential	Residential
<b>Area</b>	789 sq.m.	959.9 sq.m.	1,146 sq.m.
<b>Frontage</b>	18.35 m	21.33 m	26.6 m
<b>Depth</b>	43 m	44.9 m	43.07 m
<b>Road - Access to</b>	Municipal	Municipal	Municipal
<b>Water Supply</b>	Proposed	Proposed	Private Well
<b>Sewage Disposal</b>	Proposed	Proposed	Septic System
<b>Zoning By-law Category</b>	Residential 1 <sup>st</sup>	Residential 1 <sup>st</sup>	Residential 1 <sup>st</sup>
<b>-Area (minimum)</b>	450 sq.m.	450 sq.m.	450 sq.m.
<b>-Compliance?</b>	Yes	Yes	Yes
<b>-Frontage (minimum)</b>	18 m	18 m	18 m
<b>-Compliance?</b>	Yes	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 4.6.4 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 8 Residential Provisions, Section 13 Residential First Density.

The Municipality of Mississippi Mills advises that the proposals comply with the zoning by-law regulations, however B16/085 will be required to be re-zoned to provide for a 'holding' provision in order to address municipal servicing.

#### **(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:

#### **Municipality's Planning Report -**

#### PURPOSE AND EFFECT

The owners have 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 property. The proposal would involve the construction of a detached dwelling on each of the intended severed parcels, with an existing two-storey detached dwelling to remain on the retained parcel. The first severed parcel (B16/084) would comprise  $\pm 789\text{m}^2$  (0.19ac) in lot area with a lot frontage  $\pm 18.35\text{m}$  (60.21ft) along King Street, while the second severed parcel would comprise  $\pm 959.5\text{m}^2$  (0.24ac) in lot area with a lot frontage of  $\pm 21.34\text{m}$  (70ft) along Argyle Street. The intended retained parcel would maintain a lot area of  $\pm 1,146\text{m}^2$  (0.28ac) and lot frontages of  $\pm 26.61\text{m}$  (87.30ft) along King Street and  $\pm 43.07\text{m}$  (141.32ft) along Argyle Street. Sketches of the proposed lots are contained within the Appendix to this report.

#### DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property is located on the northeast corner of King Street and Argyle Street and in the Ward of Almonte. The property is  $\pm 2,894.5\text{m}^2$  (0.86ac) in lot area and has a lot frontage of  $\pm 44.96\text{m}$  (147.51ft) along King Street and  $\pm 64.41\text{m}$  (211.32ft) along Argyle Street. The property is currently occupied by a two-storey detached dwelling with an attached garage.

The property is currently designated "Residential" in the Municipality's Community Official Plan (COP) and zoned "Residential First Density (R1)" by Comprehensive Zoning By-law #11-83. The property is generally surrounded by low density residential properties.

#### SERVICING & INFRASTRUCTURE

The subject property is partially municipally serviced and partially privately serviced in that it is serviced by the municipal sewer system but draws water from an individual private well. The property has driveway access and is serviced from King Street, with the first severed lot proposed to have driveway access and be municipally serviced from King Street and the second severed lot proposed to have driveway access and be municipally serviced from Argyle Street. While municipal services are available along the King Street frontage, an extension of the water and sewer mains will be required to service the second severed parcel located along Argyle Street.

#### EVALUATION

##### PLANNING ACT

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) and zoned "Residential First Density (R1)" 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 the King Street frontage of the lot, with an extension of the existing water and sewer mains required to service the second 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 infill nature of the proposal would effectively increase the density of the property by a factor of three (3).

Municipal services are available to support the development of the first severed parcel, with extensions of the municipal water and sewer systems required to service the second severed parcel.

Section 5.3.3 – Holding Zones of the COP states that the Municipality may pre-zone a property for development with a holding provision where the “principle of development” has been established through the COP in order to ensure that development does not take place until the Municipality is satisfied that certain conditions have been met. The use of a holding provision is seen as an effective tool in the streamlining of the approval process in that the lifting of the holding provision only requires the passing of a by-law by Council once the conditions have been satisfied (there is no appeal period). This section states that the Municipality may use the holding provisions of the Planning Act where there is a need for the owner/developer to make arrangements for the installation of sanitary or storm sewer, water and/or road services. As municipal water and sewer services have to be extended to the second severed parcel, this parcel will be rezoned with a holding provision as a condition of Consent approval. More discussion and evaluation of the municipal water and sewer servicing requirements related to this proposal will occur within the Public Sewer and Water Policies section of this report.

The dimensions and area of the proposed severed and retained lots are very similar to those lots located within the residential block bounded by King, Arthur, St. George and Argyle Streets, as well as the surrounding neighbourhood. These lots comply with the minimum lot area and lot frontage requirements of the R1 Zone. Also, due to the infill nature of the proposal, the Consent proposal would be subject to Site Plan Control. Overall, Staff believes that the severed and retained lots would be compatible with the surrounding neighbourhood.

##### Public Sewer and Water Policies

Section 4.8.3.1 of the COP outlines the Municipality’s policies with respect to the installation and maintenance of public water and sewer infrastructure.



The proposal conforms to the intent of Policy No. 4.8.3.1.13 of the COP in that the development is directed to an area that allows for the extensions of existing municipal water and sewer infrastructure and would be approved in stages of orderly progression from the termination of existing services along the King Street frontage of the property. The first severed lot and the retained lot can be connected directly to existing municipal water and sewer services and the second severed lot would require an extension of the services along the Argyle Street frontage. The owners will be fully responsible for the cost of the extension of municipal services to the second severed parcel in accordance with Policy No. 4.8.3.1.8 and be required to enter into a Development Agreement or a Site Plan Agreement regarding the installation of municipal services as a condition of Consent approval in accordance with Policy No. 4.8.3.1.12. They will also be required to rezone the lot with a holding provision to address these requirements within the zoning by-law.

Policy No. 4.8.3.1.9 of the COP states that development within the Almonte Ward will only be approved if sufficient capacity exists within the water and sewer system and the extensions of these services shall proceed in an economical and practical manner in accordance with Policy No. 4.8.3.1.13. The Municipality's Director of Roads and Public Works has reviewed the proposal and has noted concerns with respect to the municipal servicing of the second severed parcel in light of these policies. Without undertaking a professional review of the existing grades of the King Street and Argyle Street road allowances and the existing servicing capacity of the water and sewer mains, it is not possible to determine the feasibility of servicing the second severed parcel at this point. As such, a condition of Consent approval will be that an engineering and servicing study be prepared by a civil engineer licensed in the Province of Ontario demonstrating that water and sewer services can be extended to the second severed parcel based on existing grades and pipe capacity.

#### 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 two (2) additional residential lots 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 building envelopes for a detached dwelling and accessory uses on each of the severed lots that would be compliant with the setback and lot coverage requirements of the R1 Zone.

Infill developments are subject to Site Plan Control in accordance with Site Plan Control By-law No. 15-60. 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.

**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 two (2) additional residential building lots along an existing and maintained public road, a plan of subdivision would not be required.

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

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 creation of two (2) additional lots will not negatively impact traffic in the area. Municipal water and sewer services are/may be available to service the proposed development.

As the proposal involves a total of two (2) residential lots that are of similar size to surrounding properties and the retained lot would contain an existing detached dwelling, the applications represent 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 two (2) residential infill building lots.

The proposal satisfies all other relevant policies of the COP.

**Zoning By-law #11-83**

The subject property is currently zoned “Residential First Density (R1)” by the Municipality’s Comprehensive Zoning By-law #11-83. The R1 Zone permits a detached dwelling and accessory uses. The following table outlines that the proposed severed and retained lots would comply with the minimum development standards of the R1 Zone for detached dwellings serviced by municipal water and sewer:

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT	SEVERED LOT 1 (B16/084)	SEVERED LOT 2 (B16/085)	PROPOSED RETAINED LOT
Minimum Lot Area (m²)	450	789	959.5	1,146
Minimum Lot Frontage (m)	18	18.35	21.34	26.61

The severance sketch submitted in consideration of the applications demonstrates that the detached dwelling located on the intended retained lot would meet the minimum yard setback requirements of the R1 Zone, as well as comply with the maximum lot coverage requirement. As noted, the second severed parcel would be rezoned with a holding provision as a condition of Consent approval in order to address the municipal servicing of this parcel.

**CONCLUSION**

As the subject Consent proposal involves a total of three (3) residential lots of comparable sizes to that of surrounding properties in an area deemed appropriate for low density residential infilling, Staff views the Consent applications to be logical forms 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.

Furthermore, Staff views the proposal as conforming to the relevant policies of the Community Official Plan, consistent with the PPS, and satisfies the development standards of Zoning By-law No. 11-83.

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

1. That the applicants provide two (2) copies of the registered reference plan to the Municipality;
2. That the applicants provide 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 King Street and Argyle Street on the registered reference plan;
4. That the owners pay 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 parcel to be severed through Consent Application B16/085 be rezoned 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;
7. That the applicants obtain entrance permits and civic address numbers for the severed parcels;
8. That an Engineering and Servicing Study be prepared by a Civil Engineer licensed in the Province of Ontario demonstrating that water and sewer services can be extended to the parcel to be severed through Consent Application B16/085 based on existing grades and pipe capacity to the satisfaction of the Director of Roads and Public Works;
9. That the individual private well currently servicing the detached dwelling be decommissioned, including the disconnection of the water supply line from the well within the building;
10. That the existing detached dwelling (333 King Street) be connected to the municipal water system in accordance with By-law No. 02-102; and,
11. That the owners enter into a Development Agreement or a Site Plan Agreement with the Municipality to be registered on title, to address the following:
  - a) The extension of water and sewer services to service the parcel to be severed through Consent Application B16/085;
  - b) The submission of detailed municipal servicing plans prepared by a Civil Engineer licensed in the Province of Ontario for review and approval purposes; and,
  - 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.

**Mississippi River Power** – No comments were received.

**Bell Canada R-O-W**

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

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever two residential building lots, B16/084 being 789 sq.m. and accessing King Street and B16/085, being 959.9 sq.m. and accessing Argyle Street and retain a 1,146 sq.m. residential lot with an existing dwelling located at 333 King St.

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.

**Water and Sewer Services**

The existing lot (333 King Street) is currently on private water and septic tank. In accordance with the Municipality's requirements, new lots within the Town of Almonte shall be connected to the public piped water system and public sanitary sewage system. The applicant will be required to undertake additional works to decommission the existing well and septic system in order to connect to the public systems.

**Road Access**

The lands are accessed via King Street and Argyle Street, both municipally maintained roads.

**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' for protection of woodlands within the Town of Almonte limits.

Zoning

The subject property is currently within the residential 1<sup>st</sup> density 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 Municipality of Mississippi Mills and could be given favourable consideration.

(e) **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**