



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, January 26, 2009 at 9:00 a.m. at the Lanark County Administration Building, Perth, Ontario.

Members Present: R. Strachan and C. Tyson

Members Absent: D. Murphy

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

1. CALL TO ORDER

A quorum was present.

M Kirkham, Secretary-Treasurer, called the meeting to order at 9:00 a.m. and called for nominations for chair for 2009.

Moved by C. Tyson, that R. Strachan be nominated as chair for 2009. No further nominations were received and Mr. Strachan accepted the position.

R. Strachan then assumed the chair.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2009-001

MOVED BY: C. Tyson
SECONDED BY: R. Strachan

"THAT, the minutes of the Land Division Committee meeting held on December 15, 2008 be approved as circulated."
ADOPTED

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2009-002

MOVED BY: C. Tyson
SECONDED BY: R. Strachan

“**THAT**, the agenda be adopted as circulated ”.

ADOPTED

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

- 6.1 Novatech Engineering – request for comments on Draft Official Plan for the Township of Montague. Discussion to be added to the February Agenda.
- 6.2 Township of Montague – notice of Open House for the proposed new Official Plan March 9, 2009.

7. REPORTS

7.1 NEW APPLICATIONS TO BE HEARD:

7.1.1 B07/132 (Revised) - Patricia Jacobson

Pt Lot 9 Conc. 9 Township of Beckwith (10th Line Beckwith)

7.1.2 B08/136 - William Melanson

Pt Lot 7 Conc. 7 geographic Township of Pakenham, now in the Town of Mississippi Mills (7th Conc. Pakenham)

7.1.3 B08/143 - Cairine Toshack

Pty Lot 73, Pt Lot 74 Plan 6262 RP26R579 Pt 2, Town of Almonte, now in the Town of Mississippi Mills (Hope Street)

7.1.4 B08/144 – Kevin and Cynthia Guerard

Pt Lot 73, Pt Lot 74 Plan 6262 Euphemia Pt Lot 84 Lot 65 RP26R579 Pt 2, Town of Almonte, now in the Town of Mississippi Mills (Hope Street)

7.1.5 B08/148 – Howard Burns Equipment Rentals Ltd

Pt Lot 12 & 13 Conc. 2, geographic Township of South Sherbrooke, now in Tay Valley Township (Hanna Road)

7.1.6 B08/151 – Pickerel Bay Lodge

Pt Lot 23 Conc. 10, geographic Township of Darling, now in the Township of Lanark Highlands (Pickerel Bay Road)

7.1.7 B08/152 – Ronald and Margaret Dickinson

Pt Lot 17 & 18, Conc. 12, geographic Township of Drummond, now in the Township of Drummond./ North Elmsley (Jerome Street)

Note: The Mississippi Valley Conservation requested deferral pending further assessment by MVC and the preparation of an Environmental Impact Statement (EIS) by a qualified professional.

7.1.8 B08/157 – Kathy and Mark VanAlstine

Pt Lot 14 Conc. 9, geographic Township of South Sherbrooke, now in Tay Valley Township (Maberly-Elphin Road)

7.1.9 B08/164 – Ruby Carol McKinnon

Pt Lot 9 Conc. 11, geographic Township of Dalhousie, now in the Township of Lanark Highlands (McDonald's Corners Road)

7.1.10 B08/165 – Raymond Barr

Pt Lot 16 Conc. 7, geographic Township of Ramsay, now in the Town of Mississippi Mills (Ramsay Con. 8)

Note: The Town of Mississippi Mills has requested deferral for further investigation of title options.

7.1.11 B08/166 – Myrna Ubdegrove

Pt Lot 20 Conc. 4 Township of Montague (Rosedale Road South)

7.1.12 B08/167 – Colonnade Developments Inc.

Pt Lot 16 Conc. 10, geographic Township of Beckwith, now in the Town of Carleton Place (McNeely Road Extension)

7.2. APPLICATIONS PREVIOUSLY HEARD AND AWAITING A DECISION

7.2.1 none

8. NEW/OTHER BUSINESS

- 8.1** Ontario Municipal Board Hearing – Miller B08/043 – M Kirkham advised that a “Teleconference Hearing” was held on January 20, 2009. A settlement was arrived at and ‘minutes of settlement’ agreed upon. The OMB will forward their order within the next two weeks.

- 8.2 2008 Annual Report – The Committee agreed to delay presentation of the Annual Report to the Community Development Committee until March 4, 2009 as neither R. Strachan or D. Murphy would be available on Feb 4, 2009. Review to be placed on the February LDC agenda.
- 8.3 Committee Schedule – M. Kirkham requested to change July’s meeting to Monday July 20, 2009 to accommodate holiday schedules.

MOTION #LD-2009-003

MOVED BY: C. Tyson
SECONDED BY: R. Strachan

“**THAT**, the July 2009 Land Division Committee meeting and hearing be changed to Monday July 20, 2009”.

ADOPTED

9. PROVISIONAL CONSENT WAS GRANTED FOR THE FOLLOWING;

- 9.1 B07/132 (revised) – Patricia Jacobson
- 9.2 B08/136 – William Melanson
- 9.3 B08/143 – Cairine Toshack
- 9.4 B08/144 – Kevin and Cynthia Guerard
- 9.5 B08/148 – Howard Burns Equipment Rentals Ltd.
- 9.6 B08/151 – Pickerel Bay Lodge (McCormick’s Ladies Ware)
- 9.7 B08/157 – Kathy and Mark VanAlstine
- 9.8 B08/164 – Ruby Carol McKinnon
- 9.9 B08/166 - Myrna Ubdegrove
- 9.10 B08/167 – Colonnade Development Inc.

10. ADJOURNMENT

The next meeting date was scheduled for February 23, 2009.

The meeting adjourned at 11:32 a.m.

Mary Kirkham
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Patricia Jacobson

Hearing Date: January 26, 2009

Agent:

LDC File #: B07/132 (REVISED)

Municipality: Beckwith

Geographic Township: Beckwith

Lot: 9 **Concession:** 9

Roll No. **0924 000 035 16200**

Consent Type: New Lot

Purpose and Effect:

Application B07/132 was submitted to the County of Lanark, September 14, 2007 and received "Provisional Consent" by the Land Division Committee on February 25, 2008. The purpose and effect of this revised application is to obtain approval to increase the lot size from 1.59-ha to 1.96-ha by increasing the lot frontage from 64.6 m to 79.8 m.

(a) AGENCY REVIEW

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

Township of Beckwith – no objections to the revised application. Conditions to remain the same as submitted Feb 12, 2008.

On-Site Services (Septics) – Leeds Grenville and Lanark Health Unit.
no objections to the revised application.

(b) PLANNING REVIEW

Land Division Committee reviewed the original application for consent at their hearing on February 25, 2008, and gave "provisional consent".

When the applicant proceeded with the plan of survey, it was discovered that the application had been submitted with an error in the frontage (212 ft vs. 262 ft). If left at 212 ft the hydro line including a private pole would not be located on the property.

Committee reviewed the request to increase the frontage, and determined that the increase would result in a 23% change, therefore recirculation would be required.

There were no concerns or 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 and Official Plan for the Township of Beckwith and could be given favourable consideration.

(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) MINUTES – January 26, 2009

No persons attended the hearing.

(e) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED – REVISED CONDITIONS

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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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. The reference plan shall relate to the revised application for consent dated December 4, 2008.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The applicant shall provide the Township with a copy of the registered reference plan.
4. All structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
5. If required by the Township of Beckwith, entrance permits shall be obtained for the lots to be severed and retained.
6. If required by the Township of Beckwith, sufficient lands shall be conveyed to the Township along the frontage of the lot to be severed, to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval, 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 should be consulted prior to commencing a survey to determine the amount of road widening required.
7. A letter shall be received from the Township of Beckwith stating that conditions #2 to #6 have been fulfilled to their satisfaction.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: William C Melanson

Hearing Date: January 26, 2009

Agent:

LDC File #: B08/136

Municipality: Mississippi Mills

Geographic Township: Pakenham

Lot: 7 Concession: 7

Roll No. 0931 931 946 015 16000

Consent Type: New Lot

Purpose and Effect:

The purpose and effect of the application is to sever a 1.0-ha residential building lot with an existing old farmhouse (uninhabitable) and retain a 19.35-ha vacant landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant residential	Vacant
Proposed Use	Residential	Vacant
Area	1.0-ha	19.23-ha
Frontage	172 m	132.5 m
Depth	63 m	675 m
Road - Access to	Pakenham Con 7	Pakenham Con 7
Water Supply	Private Well	None
Sewage Disposal	Privy	None
Official Plan Designation -Conformity?	Rural Agricultural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	45 m	45 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is

planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.6 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to development new infrastructure and public service facilities.

2.3 Agriculture

Section 2.3.4.1 Lot creation in prime agricultural areas is discouraged. *Note: Although the Official Plan designates the lands as 'rural agriculture' the area is outside the area classified as Prime Agricultural, as shown on the Zoning By-law.*

Section 2.3.5.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.

Official Plan – Section 3.2 Agricultural Policies, Section 3.3 Rural Policies, Section 4 General Policies, Section 4.6 Transportation, Section 5.3.1 Consent to Sever. The Town of Mississippi Mills advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – Section 6 General Provisions, Section 9 Rural Zone. The Town 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:

Town of Mississippi Mills – recommends approval of this application subject to the following conditions:

- That the applicant provide a copy of the registered reference plan to the Town;
- That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
- That the applicant pay any outstanding property taxes on the subject property; and
- That the applicant acquire an entrance permit.

Conservation Authority – Mississippi Valley Conservation
Mississippi Valley Conservation (MVC) 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.

According to the information provided, the applicant proposes to sever a vacant 1.0-ha building lot and retain a vacant 19.3-ha parcel of land.

A review of available GIS mapping shows a tributary of the Indian River traveling through the subject lands. However, MVC did not observe a watercourse with defined banks during a site visit conducted in November of 2008. Therefore, it is our assessment that the watercourse depicted on the GIS mapping is more likely a drainage swale rather

than a watercourse or tributary of the river. No natural heritage features or natural hazards were identified on the proposed severed lot.

MVC does not have any objection to the subject application.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – existing residential property with a vacant house on the property.
Sandy loam soil 5 ft deep. Satisfactory.

Retained Lands – gently rolling agricultural land with no soil drainage problem. Sandy loam soil 5 ft deep.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a parcel of land with a vacant uninhabitable dwelling and well and retain a vacant landholding. Both lots are accessed via 7th Con. South Pakenham. The dwelling has a Civic Address (#934).

The subject lands are located in an area characterized as large landholdings, mainly vacant along the 7th Conc. S Pakenham. Only one other smaller building lot is located within proximity of the lot.

Soils mapping indicates the lands are Class 3T – soils in this class have moderately severe limitations that restrict the range of crops or require special conservation practices and Subclass T – adverse topography – either steepness or the pattern of slopes limits agricultural use.

There were no concerns or 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 and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(d) 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.

(e) MINUTES – January 26, 2009

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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. That the balance of any outstanding taxes shall be paid to the Town.
3. That the applicant shall provide the Town with a copy of the registered plans associated with this application. Together with a digital copy of the registered reference plan in a .DWG file format.
4. The applicant shall obtain a residential entrance permit from 7th Conc. South Pakenham. The applicant to consult directly with the Director of Public Works for the Town of Mississippi Mills in this regard.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
6. A letter shall be received from the Town stating that conditions #2 to #4 have been fulfilled to their satisfaction.
7. A letter shall be received from the Mississippi Valley Conservation stating that condition #5 has been fulfilled to their satisfaction.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Cairine Toshack **Hearing Date:** January 26, 2009
Agent: Kevin and Cynthia Guerard
LDC File #: B08/143
Municipality: Mississippi Mills
Geographic Township: Almonte **Lot:** Pt Lot 73, Pt Lot 74 Plan 6262
RP26579 Pt 2
Roll No. 0931 931 010 015 09700 **Consent Type:** Lot Addition

Purpose and Effect:

The purpose and effect of the application is to sever a 0.013-ha lot as an addition to 293-295 Hope Street and retain a 0.09-ha residential lot with an existing dwelling. This application has been submitted concurrently with B08/144.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	0.013-ha	0.09-ha
Frontage	3.35 m	24.4 m
Depth	38.7 m	38.7 m
Road - Access to	Hope Street	Hope Street
Water Supply	None	Municipal Water
Sewage Disposal	None	Sanitary Sewers
Official Plan Designation -Conformity?	Residential Yes	
Zoning Category	Residential 1	Residential 1
-Area Required (min.)	n/a lot addition	0.046-ha
-Compliance?		Yes
-Frontage Required (min.)		18 m
-Compliance?		Yes
-Depth Required (min.)		n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

Section 1.1.3.3 Planning authorities shall identify 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. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Official Plan – Section 3.6 Residential, Section 4 General Policies, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.1 Consent to Sever.
The Town of Mississippi Mills advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – Section 6 General Provisions, Section 10 Residential Type 1 Zone
The Town 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:

Town of Mississippi Mills – recommends approval of this application subject to the following conditions:

- That the applicant provide a copy of the registered reference plan to the Town;
- That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
- That the applicant pay any outstanding property taxes on the subject property;
- The applicant shall complete a pre-servicing study to the satisfaction of the Town;
- The applicant shall have a lot grading plan prepared by an engineer licensed to practise in the Province of Ontario. The plan must take into account potential drainage impacts on abutting property; and
- The applicant shall enter into a development agreement to provide municipal services to the new lot.

Conservation Authority – Mississippi Valley Conservation
Mississippi Valley has screened this application out of our formal review process for the following reasons:

- A review of available GIS mapping shows a tributary of the Mississippi River running through the subject property. However, this watercourse was not observed during a site visit conducted by MVC staff in December 2008.
- No other natural heritage features or natural hazards were identified on the subject property.

On-Site Services (Septics) – n/a

Almonte Hydro – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a vacant parcel of land as a lot addition lands owned by Kevin and Cynthia Guerard at 293-295 Hope Street. (Plan 6262 Pt Lot 73 Pt Lot 74 Euphemia Pt Lot 84 Pt Lot 85 Malcolm RP26R-579 Pt 1).

The additional lands will enable the Guerards to sever their Duplex Dwelling, which is currently under one ownership. The application of which is being submitted under Consent Application B08/144, submitted concurrently.

There were no concerns or 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 and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(d) 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 were received.

(e) MINUTES – January 26, 2009

Kevin and Cynthia Guerard, applicants, attended the hearing and gave evidence under oath.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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. That the balance of any outstanding taxes shall be paid to the Town.
3. That the applicant shall provide the Town with a copy of the registered plans associated with this application. Together with a digital copy of the registered reference plan in a .DWG file format.

4. That the applicant shall complete a pre-servicing study to the satisfaction of the Town.
5. That the applicant shall have a lot grading plan prepared by an engineer licensed to practice in the Province of Ontario. The plan must take into account potential drainage impacts on abutting properties.
6. The landowner shall enter into a "Site Plan Agreement" with the Town of Mississippi Mills pursuant to Sections 51(25), 51(26) and 53(12) of the Planning Act, which may be registered on title of the lot to be severed, and binding upon the owner and all subsequent owners in title. The wording of the agreement shall be acceptable to the Town of Mississippi Mills and shall address their concerns for the provision of municipal services to the lot.
7. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
8. A letter shall be received from the Town stating that conditions #2 to #6 have been fulfilled to their satisfaction.
9. A letter shall be received from the Mississippi Valley Conservation stating that condition #7 has been fulfilled to their satisfaction
10. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Kevin and Cynthia Guerard described as Pt Lot 73 Pt Lot 74 Plan 6262 Euphemia Pt Lot 84 Lot 65 RP26R579 Pt 1 Township of Almonte now in the Town of Mississippi Mills, 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.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Kevin and Cynthia Guerard
2009

Hearing Date: January 26,

Agent:

LDC File #: B08/144

Municipality: Mississippi Mills

Geographic Township: Almonte

Lot: Pt Lot 73, Pt Lot 74 Plan 6262

Euphemia Pt Lot 84 Lot 65 RP26R579 Pt 2

Roll No. 0931 931 010 015 09700

Consent Type: New Lot

Purpose and Effect:

The purpose and effect of the application is to sever a 389m² lot with ½ of a duplex at 295 Hope Street and retain an 814m² lot and ½ of a duplex at 293 Hope Street (the unit will be converted to a Semi-detached dwelling units). This application has been submitted concurrently with B08/143 and cannot be considered if B08/143 is refused.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Residential
Proposed Use	Residential	Residential
Area	389m ²	814m ²
Frontage	10.06 m	21.0 m
Depth	38.7 m	38.7 m
Road - Access to	Hope Street	Hope Street
Water Supply	None	Municipal Water
Sewage Disposal	None	Sanitary Sewers
Official Plan Designation	Residential	
-Conformity?	Yes	
Zoning Category	Residential 2	Residential 2
-Area Required (min.)	320m ²	320m ²
-Compliance?	Yes	Yes
-Frontage Required (min.)	10.0 m	10.0 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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

Section 1.1.3.3 Planning authorities shall identify 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. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Official Plan – Section 3.6 Residential, Section 4 General Policies, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.1 Consent to Sever.

The Town of Mississippi Mills advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – Section 6 General Provisions, Section 10 Residential Type 1 Zone

The Town 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:

Town of Mississippi Mills – recommends approval of this application subject to the following conditions:

- That the applicant provide a copy of the registered reference plan to the Town;
- That the applicant provide a digital copy of the registered reference plan in a .DWG file format;
- That the applicant pay any outstanding property taxes on the subject property;
- The applicant shall complete a pre-servicing study to the satisfaction of the Town;
- The applicant shall have a lot grading plan prepared by an engineer licensed to practise in the Province of Ontario. The plan must take into account potential drainage impacts on abutting property; and
- The applicant shall enter into a development agreement to provide municipal services to the new lot.

Conservation Authority – Mississippi Valley Conservation

Mississippi Valley has screened this application out of our formal review process for the following reasons:

- A review of available GIS mapping shows a tributary of the Mississippi River running through the subject property. However, this watercourse was not observed during a site visit conducted by MVC staff in December 2008.
- No other natural heritage features or natural hazards were identified on the subject property.

On-Site Services (Septics) – n/a

Almonte Hydro – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever the lands with a duplex into two separate parcels with ½ of a semi-detached dwelling on each lot. The lands are currently zoned Residential Type 2 which permits a duplex or semi-detached dwelling.

This application has been submitted concurrently with B08/143 and cannot be considered if B08/143 is refused.

There were no concerns or 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 and Official Plan for the Town of Mississippi Mills and could be given favourable consideration.

(d) 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 were received as follows:

Sarah Gray – November 30, 2008

In response to the notice of application for consent submitted Kevin Gerrard and Cairine Toshack I would like to advise that my husband and I do not object to the severances as presently requested. We do however have serious reservations and concerns regarding any future requests for either additional severances or minor variances on the lands that abut our property at 285 Hope Street for future development. Mr. Guerrard, in a telephone conversation recently, altered us to the fact that he intends to have time property serviced immediately and of his ultimate intention of either developing this land by constructing a retirement home for himself or possibly selling it as a serviced building lot. It is with this knowledge and understanding that my husband and I submit our concerns and objections at this time.

Briefly stated our concerns and objections are as following:

The lot retained by Mr. Guerrard between our property at 285 Hope and hi duplex 293-295 Hope will not have sufficient frontage to comply with current building by-laws permitting the issuance of a building permit without a minor variance. We are also concerned that any further development of this marrow strip of land may encroach upon a piece of land which forms part of our driveway, to which we claim possessory right, not only thorough our own usage, but that of our predecessors on title which usage has endured for more than 50 years. Additionally, we would be concerned that further in-filling on that land may have a crowing effect that could seriously detract, not only from our personal enjoyment of our home, but as well have a negative effect upon the market value of our property and those around us.

We would therefore, appreciate being notified of any public meetings that may be scheduled and request that we be given notice of any decision or decisions made.

(e) **MINUTES – January 26, 2009**

Kevin and Cynthia Guerard, agents, attended the hearing and gave evidence under oath.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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 deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
3. That the balance of any outstanding taxes shall be paid to the Town.
4. That the applicant shall provide the Town with a copy of the registered plans associated with this application. Together with a digital copy of the registered reference plan in a .DWG file format.
5. That the applicant shall complete a pre-servicing study to the satisfaction of the Town.
6. That the applicant shall have a lot grading plan prepared by an engineer licensed to practice in the Province of Ontario. The plan must take into account potential drainage impacts on abutting properties.
7. The landowner shall enter into a "Site Plan Agreement" with the Town of Mississippi Mills pursuant to Sections 51(25), 51(26) and 53(12) of the Planning Act, which may be registered on title of the lot to be severed, and binding upon the owner and all subsequent owners in title. The wording of the agreement shall be acceptable to the Town of Mississippi Mills and shall address their concerns for the provision of municipal services to the lot.
8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
9. A letter shall be received from the Town stating that conditions #2 to #7 have been fulfilled to their satisfaction.

10. A letter shall be received from the Mississippi Valley Conservation stating that condition #8 has been fulfilled to their satisfaction

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Howard Burns Equipment Rentals Ltd. **Hearing Date:** January 26, 2009

Agent:

LDC File #: B08/148

Municipality: Tay Valley

Geographic Township: South Sherbrooke

Lot: 12 & 13

Concession: 2

Roll No. 0911 914 020 02901

Consent Type: New Lot

Purpose and Effect:

The purpose and effect of the application is to sever a 1.5-ha lot with an existing residential dwelling and retain a 26.16-ha landholding with an existing licensed pit.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Residential	Vacant & Licensed Pit
Proposed Use	Residential	Vacant & Licensed Pit
Area	1.5-ha	26.16-ha
Frontage	109.7 m	1000 m
Depth	137.16 m	260 m
Road - Access to	Hanna Road	Hanna Road
Water Supply	Private Well	None
Sewage Disposal	Individual Septic	None
Official Plan Designation	Rural and Mineral Resource	
-Conformity?	Yes	
Zoning Category	Rural	Rural & Mineral Res. Extraction
-Area Required (min.)	1.0-ha	2.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.6 Infrastructure and Public Service Facilities

Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to development new infrastructure and public service facilities.

Section 1.6.5.2 Efficient use shall be made of existing and planned infrastructure.

2.1 Natural Heritage

Section 2.1.4 Development and site alteration shall not be permitted in: d) significant habitat; and e) significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

2.5 Mineral Aggregate Resources

Section 2.5.1 Mineral aggregate resources shall be protected for long-term use.

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

- a) Resources 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.

Official Plan – Section 2.17.1 Land Use Compatibility, Section 2.19.2 Organic Soils, Section 3.3.3 Mineral Resource Policies, Section 3.6 Rural Policies, Section 4.4 Township Roads and Section 5.2.3 Consent Policies

Tay Valley Township advises there is adequate separation between the proposed lot and lands designated Mineral Recourse. The proposed lot appears to be separated from the lands designated Mineral Resource by at least 150m.

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

Zoning By-law – Section 3 General Provisions, Section 10 Rural Zone, and Section 12 Mineral Resource 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:

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

- payment of all taxes owing and all costs incurred by the Township for the review process.

- Copy of the deed / transfer and two copies of the reference plan.
- Parkland contribution in the amount of \$100.
- The owner convey, at no charge to Tay Valley Township, sufficient frontage across the severed lands to provide for a right-of-way measuring 10m from the centreline of Hannah Road. The owner shall provide a reference plan which indicates the required widening. If the owner's surveyor determines that a widening is not required it must be indicated on the reference plan. A draft reference plan shall be sent to the Township for review prior to deposit.

Conservation Authority – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has reviewed this application and conducted a site inspection. We offer the following comments for the Committee's assistance.

The application will create a new residential lot of 1.5 hectares and retain a 26 hectare parcel. There is an existing residential dwelling on the proposed lot. There are no natural heritage features or watercourses on the proposed severed lands. A portion of the retained parcel includes an active quarry/pit (approx. 6 hectares in size) with a watercourse flowing along the outside perimeter of the existing quarry boundary. The watercourse eventually drains into Christie Lake in an area classified as smallmouth bass spawning (DFO/MNR/RVCA).

Please note that the 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). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. We note that the current quarry operation has maintained a 30 metre buffer from the watercourse and we assume this buffer will be maintained. This buffer and protection of the watercourse is important due to the sensitive fish habitat downstream. The RVCA recommends a 30 metre development/disturbance setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land.

We have no objection to the application provided that the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. The Township may wish to contact the Ministry of Natural Resources in regard to this application for any issues related to the influence area of the Mineral Resource designation. We anticipate no impacts to natural heritage features or hazards as a result of the application. The RVCA recommends a 30 metre wide protective buffer be established along the watercourse from any future disturbance.

Please advise us on the committee's decision on the application or any changes in the status of the application.

On-Site Services (Septics) – Mississippi-Rideau Septic Office.

A review has been undertaken to ensure that a septic system meeting the minimum requirements established in Part 8 of the Ontario Building Code can be maintained or constructed on both the severed and retained portion of the subject property.

The severed portion of the subject property has an area of approximately 1.5-hectares. The retained portion is proposed to have an area of 26.17 hectares. There is sufficient space on both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

All new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements. Provided these design parameters are met the Mississippi-Rideau Septic Office has no objection to this severance as proposed.

We caution that other considerations must also be taken into account, however, in the review of any development application under the Planning Act for this lot including but not limited to Provincial Policy, the municipal Official Plan and Zoning By-law, watershed and water quality objectives, lake carrying capacity and fish habitat considerations greater setbacks and lot layout modifications may be required for development to proceed. These matters may be commented on separately and advice provided to the approval authority.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 1.5-ha residential lot with an existing dwelling and to retain a 26.16-ha vacant landholding with an existing licensed pit. The pit is currently licensed under the Aggregate Resources Act – No P631262 – Hanna Pit. The licensed area is comprised of 5.6-ha of which only 4.4-ha is planned for extraction, the balance is required for setbacks from adjacent land uses. The operational notes require that trees within the 30 metre setback area be maintained and left undisturbed, as well the maximum depth of extraction is limited to 165 a.s.l. as it is anticipated that the static water level is controlled by Christie Lake which has a relative elevation of approximately 155 m a.s.l.

Both the lot to be severed and the retained lands front on Hanna Road a Township maintained municipal road.

The retained land has an existing licensed pit. The Tay Valley Official Plan policy for Mineral Resources which provides for an influence area in relation to a pit ranging from 150 to 300 metres, depending upon the licence classification of the pit. The extractive licence for this pit notes that no extraction will occur below the water table, therefore the influence area is the lower value. Approximate distances have been calculated as:

- Distance to proposed lot line from the Mineral Resource Area as shown on OP – 185 m
- Distance to proposed lot line from the Extractive Licensed Area as shown on Zoning By-law – 326 m.

The proposed lot is already developed and outside the influence area, however a note should be included with the Conditions that requires any future purchasers to be advised of an existing pit operation and that stipulating that the owner covenants and agrees that all

agreements of purchase and sale or lease shall include the clause on the title of each of the new lots, stating that the lots are within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time.

The subject lands are located in an area characterized as large landholdings, mainly vacant. Christie Lake is located to the east of the lot as well as the Boy Scouts of Canada Camp and the lands drain to a small tributary to the north which eventually flows into Christie Lake

Soils mapping indicates the lands are Class 6T – soils in this class are capable only of producing perennial forage crops, and improvement practices are not feasible and Subclass T – adverse topography – either steepness or the pattern of slopes limits agriculture.

There were no concerns or 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 and Official Plan for the Tay Valley Township and could be given favourable consideration.

(d) 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.

(e) MINUTES – January 26, 2009

Howard Burns, agent, attended the hearing and gave evidence under oath. Mr. Burns advised that the tenants of the dwelling will be the purchasers of the lot.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument (in triplicate) 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. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act. (Cash-in-Lieu of Parklands)
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
4. The applicant shall provide the Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall provide the Township with a copy of the deed/transfer for the property.
6. The applicants shall satisfy all the requirements of Tay Valley Township financial and otherwise, that may be required under established by-laws for consent applications.
7. The owner shall convey, at no charge, to Tay Valley Township sufficient frontage across the severed lot to provide for a right-of-way measuring 10m from the centerline of Hanna Road. The owner shall provide a reference plan which indicates the required widening. If the owner's surveyor determines that a widening is not required, it must be indicated on the reference plan. A draft reference plan shall be submitted to the Township for review prior to deposit.
8. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with Tay Valley Township, the wording of which shall be satisfactory to the Township, which may be registered against the title of the lots to be severed, stipulating that the owner covenants and agrees that all agreements of purchase and sale or lease shall include the clause on the title of the new lot, stating that the lot is within proximity of an existing aggregate operation, and that the occupants of the lot may be susceptible to noise, dust, vibration and related impacts from time to time.
9. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
10. A letter shall be received from Rideau Valley Conservation Authority stating that condition #9 has been fulfilled to their satisfaction.
11. A letter shall be received from Tay Valley Township stating that condition #2 to #8 has been fulfilled to their satisfaction.

NOTES:

- *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements.*
- *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.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: McCormick's Ladies Wear Inc. (Pickerel Bay Lodge) **Hearing Date:** January 26, 2009
LDC File #: B08/151
Municipality: Lanark Highlands
Geographic Township: Darling **Lot:** 23 **Concession:** 10
Roll No. 0940 944 020 32200 **Consent Type:** Lot Addition

Purpose and Effect: The purpose and effect of the application is to sever a 0.7-ha lot as an addition to lands owned by Dustin Hirst at Pt Lot 23 Conc. 10 Darling 267-6967 Pt 1 (443 Pickerel Bay Rd) and retain a 12-ha landholding with a Commercial campground and buildings (366 Pickerel Bay Rd). The lots are accessed by Pickerel Bay Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Campground/Vacant
Proposed Use	Lot Addition	Campground/Vacant
Area	0.7-ha	12-ha
Frontage	70 m	800 m
Depth	100 m	150 m
Road - Access to	Other public road	Municipal Road
Water Supply	Well	Communal Well
Sewage Disposal	Private Septic	Private Septic
Official Plan Designation	Rural and Lake Development	
-Conformity?	Yes	
Zoning Category	Commercial Recreational	Commercial Recreational
-Area Required (min.)	n/a	1.0-ha
-Compliance?		Yes
-Frontage Required (min.)		60 m
-Compliance?		Yes
-Depth Required (min.)		n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

2.1 Natural Heritage

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

Section 2.1.3 Development and site alteration shall not be permitted in: (a) significant wetlands in Ecoregions 5E, 6E and 7E.

Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological features function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features of on their ecological functions.

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 g).

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 if the significant archaeological resources have been conserved by removal and documentation, or by preservation o site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved.
Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

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.

Official Plan – Section 3.4.2 Rural Area, Section 3.6.3 Rural Area - Lake Development District Designation, Section 3.6.4 Lake Development Protection Policy – Site Plan Control, Section 3.6.5 Lake Development Protection Policy – Conservation Policies,

section 4.2 Water and Sewage Disposal, Section 4.5.3 Township Roads, Section 5.3 Cultural Heritage and Archaeological Resources, Section 8.1.2 Polices – Flood Plains, Section 8.2 Organic Soils and Steep and Unstable Slopes and section 10.11.13 Subdivisions, Consents and Part-lot Control.

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

Zoning By-law – section 4.0 General Provisions, Section 11.0 Lakefront Development Zone, Section 14.0 Commercial Recreational Zone.

The Township of Lanark Highlands advises that the proposal does not comply with the zoning by-law regulations and will require a zoning by-law amendment.

(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 of Lanark Highlands – recommends approval of this application subject to the following conditions:

1. That the applicant submit to the Township any fees required.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
3. That the applicant provide the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
4. An acceptable reference plan or legal description of the severed lands and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Planning Approvals Administrator at the County for review and consent endorsement within a period of one year after the Notice of Decisions is given under Section 53 (17) or (24) of the Planning Act and that a copy of same be submitted to the Township.

Township of Lanark Highlands – Planner's Report

1.0 REVIEW OF PROPOSAL AND APPLICATION

An application has been received from the County of Lanark Land Division Committee for a lot addition. The holding is located on Pickerel Bay Road and enjoys frontage on White Lake. The property is legally described as Part Lot 23, Concession 10, former Township of Darling now in the Township of Lanark Highlands. The proposal is to add acreage to an existing cottage lot. Abutting land uses include residential or cottage properties, a commercial campground and crown land. The proposed severed lands currently are part of the campground lands. The proposed lot to be enlarged is commonly referred to as 443 Pickerel Bay Road.

The property is designated Lakefront Development on Schedule “A 3” of the Township of Lanark Highlands Official Plan. The lands are zoned Lakefront Development and Commercial Recreational on Schedule “A 3” of Zoning By-law No. 2003-451. The proposal if approved will add land of approximately 0.7-hectares to the property at 443 Pickerel Bay Road. The retained lands will continue to function as a campground.

1.1 **PROVINCIAL POLICY**

As part of the province’s long term commitment to economic prosperity and social well being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and reviewed under the ‘consistent with’ test.

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape. In addition, the PPS protects water quality and directs municipalities to consider the larger watershed when reviewing planning matters.

The proposal is not planning any new development and uses within the area have existed for quite some time and will not further impact the waterfront area. As such the application will meet the consistent with test.

1.2 **OFFICIAL PLAN**

The lands are designated Lakefront Development on Schedule “A 3” of the Township of Lanark Highlands Official Plan. The current uses are a permitted use of this designation. Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed configuration. Abutting land uses must be evaluated for conflicts and natural heritage features. The application will result in a larger area for a waterfront lot. The Health Unit has indicated that the land area is satisfactory for the intended purpose and that there is sufficient land area in the remnant parcel to accommodate a replacement system if required.

1.3 **ZONING**

The lands to be enlarged are zoned Lakefront Development, while the retained lands are zoned Commercial Recreation on Schedule “A 3” of Zoning By-law 2003-451. The property at 443 Pickerel Bay Road currently is an undersized lot and does not meet the area requirements of the zoning By-law. The property addition of lands will add sufficient area to meet and exceed the zoning provision of the by-law. The retained lands will continue to meet the requirements of the zoning by-law. As such, the application can be supported.

1.4 **DISCUSSION**

The application as submitted is consistent with the PPS and complies with directives of the Official Plan. As the properties are zoned differently being

Lakefront Development and Commercial Recreation the applicant will need to undertake a zoning amendment on the severed lands. A zoning amendment will ensure that an additional campground will not be developed on those lands and provide for consistent zoning that aligns with property ownership.

Conservation Authority – Mississippi Valley Conservation

Mississippi Valley Conservation (MVC) has been circulated the above noted application to conduct a review in terms of the 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.

According to the information provided, the purpose of the proposed severance is to sever a vacant 0.7-ha parcel of land with 190 feet of water frontage as a lot addition to an adjacent landholding which is already developed. The proposed retained land is 312 ha with water frontage well in excess of the required standard and consists of a commercial campground.

The subject lands have frontage on White Lake which is a warm water fishery that supports walleye, northern pike and bass and a variety of forage fish. During a site visit conducted by MVC staff on January 20, 2009, we noted that the proposed severed lands have largely remained undisturbed with a good shoreline vegetated buffer.

As a result of this proposal, the two resulting lots still meet with the current minimum area and frontage requirements set out in the Township of Lanark Highlands Zoning By-law. And, a review of available literature and mapping revealed no issues with respect to natural hazard and natural heritage features. With the above in consideration, MVC has no objection to the proposed lot addition provided that any future development complies with the zoning by-law, particularly with respect to setback from water and the retention of a natural vegetated buffer along the shoreline.

We note that the subject property does not fall under the jurisdiction of MVC.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit

The lot to be severed is reported to be satisfactory for the intended purpose and being described as rolling treed land with no soil drainage problem.

The lot to be retained has an existing commercial campground served by a Class 4 septic system and communal well. Both lots have sandy loam soil at variable depths.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 0.7-ha vacant lot to an existing residential lot and to retain a 12.0-ha landholding with an existing residence, cabins, campgrounds and outbuildings.

The lot to be severed and the lot to be retained gain access via Pickerel Bay Road a maintained municipal road.

The Official Plan for Lanark Highlands requires that any new development within 300m of any waterbody requires that the development proposal be supported by an Environmental Impact Study or Environmental Impact Report to determine whether the application will comply with the policies of the Plan. An EIS/EIR was not provided as the lot to be severed is intended to be a lot enlargement to an existing developed lot. Future development (i.e. w buildings) will require that the landowner prepare and EIS/EIR and proceed through the Site Plan Control Process.

The Zoning By-law indicates that the lands to be severed are zoned as “Commercial Recreational” and the lot to be enlarged is Lakefront Development. Rezoning will be required to ensure that the intent of the application has been complied with.

Soils mapping indicates the lands are Class 7PR – Soils in this class have no capability for arable culture or permanent pasture. This class includes rockland and other non-soil areas. Sub-class P refers to stoniness – stones interfere with tillage, planting and harvesting and R shallowness to solid bedrock – Solid bedrock is less than three feet from the surface.

The lands are within 300 m of a Primary Water Source (White Lake) therefore are subject to possible “Archaeological Potential”.

As per previous Committee reviews, Condition No. 3 as suggested by the Township has been modified.

There were no concerns or 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 and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

(d) 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.

(e) MINUTES – January 26, 2009

Dustin Hirst, agent, attended the hearing and gave evidence under oath. Mr. Hirst advised that as the lot addition abuts the unopened road allowance, the new access to his lot will be via the unopened road allowance upon which he has an agreement with the Township to use as a ‘laneway’. Therefore the R-O-W through the Pickerel Bay campgrounds will be abandoned.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument (in triplicate) 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 balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. That the applicant shall provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the severed lands are in compliance with all zoning provisions. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
4. The lot to be severed and the lot to be retained shall be zoned to an appropriate zoning category for the intended use.
5. A letter shall be received from the Township of Lanark Highlands stating that conditions #2 to #4 has been fulfilled to their satisfaction.
6. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Dustin Hirst described as Part 1 RP27R-6967, Darling Con 10 Pt Lot 23, Township of Lanark Highlands, 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.

NOTES:

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.

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Mark & Kathy VanAlstine

Hearing Date: January 26, 2009

Agent: Kim and Bryan Radcliffe

LDC File #: B08/157

Municipality: Tay Valley

Geographic Township: South Sherbrooke

Lot: 14 **Concession:** 9

Roll No. 0911 914 010 37300

Consent Type: Lot Addition

Purpose and Effect:

The purpose and effect of the application is to sever a 0.14-ha lot as an addition to lands owned by Kim and Bryan Radcliffe at Pt Lot 14 Concession 9, geographic Township of South Sherbrooke as in RS181776 PIN 05206-0139 (LT) (#288 Maberly-Elphin Road) and retain a 75.0-ha landholding with an existing dwelling and outbuildings..

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Septic System	Residential
Area	0.14-ha	75.0-ha
Frontage	45.72 m	513.54 m
Depth	30.48 m	1415.84 m
Road - Access to	Unopened Road Allowance	Maberly-Elphin Road
Water Supply	n/a	Private Well
Sewage Disposal	Proposed	Individual Septic System
Official Plan Designation	Rural, Hamlet and Organic Soils	
-Conformity?	Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	2.0-ha
-Compliance?	n/a	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	n/a	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Official Plan – Section 2.19.2 Organic Soils, Section 2.22 Water Supply and Sewage Disposal, Section 3.6 Rural Policies, Section 3.7 Hamlet Policies, 4.4 Township Roads and Section 5.2.3 Consent Policies

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

Zoning By-law – Section 3 General Provisions and 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:

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

- payment of all taxes owing and all costs incurred by the Township for the review process.
- Copy of the deed / transfer and two copies of the reference plan.
- Parkland contribution in the amount of \$100.

Tay Valley Planner's Report (Novatech Engineering)

Novatech's review of the above-noted severed application revealed that the severed parcel will be added to and merged with a lot which does not front onto a publicly maintained road. This lot is located at 288 Maberly-Elphin Road and is currently being accessed by an unopened road allowance.

Section 5.2.3.4 of the Official states that "lots created by consent shall generally front onto existing maintained public roads; however, consents may be permitted on existing private roads for waterfront residential lots". The proposed severance is not creating a new lot, rather increasing an undersized non-complying lot. The lot addition is being proposed to allow for the installation of a replacement septic system for an existing residential building located at 288 Maberly-Elphin Road. Therefore, the proposed severance conforms to the Official Plan and does not worsen the current non-complying situation of 288 Maberly-Elphin Road. In fact the proposed lot addition will bring the undersized lot closer to the minimum requirements for lot area as set out in the Official Plan and Zoning By-law.

The Municipal Reply form does not include any conditions or advisory notes pertaining to the access issues of 288 Maberly-Elphin Road as it is not the subject of the severance application. Given that the access issue is with the lot to which the severed parcel is to be merged, it is suggested that the severance be supported by the Township and that access issues of 288 Maberly-Elphin Road be dealt with as a separate issue.

In order to address the access concerns of 288 Maberly-Elphin Road, further investigation is required to determine the circumstances under which this lot was created and how access to the lot was addressed at the time, as well as the conditions under which the building permit was issued for the existing dwelling. Although the current owner is not aware of any agreements with the Township, additional research should be made to determine if the former Township of South Sherbrooke had entered into an access agreement for this lot. Once this additional information has been gathered, Tay Valley Township may also wish to seek legal advice to determine the best course of action to resolve this situation.

NOTE: Tay Valley Township adopted a motion "That Tay Valley staff be directed to investigate options with respect to access for 288 Maberly-Elphin Road.

Conservation Authority – Mississippi Valley Conservation
(November 26, 2008)

A cursory review of the above noted application revealed no issues with regard to Mississippi Valley Conservation's plan input and review program. No other natural heritage features or natural hazards were identified on the subject property. We have therefore screened this application out of our formal review process.

(Please note that a fee will not be charged.)

(January 23, 2009)

According to the information provided, the purpose of the subject application is to sever a vacant 0.14-ha parcel of land as a lot addition to the adjacent property owner and retain a 75.0-ha landholding. Both the lot to be enlarged and the retained lands are already developed. And, both of the resulting lots are already developed with no new development proposed at this time. A cursory review of this application revealed no concerns with the subject application. We have therefore screened this application out of our formal review process. We assume that any potential future development on the subject lands will comply with the zoning by-law.

We take this opportunity to note that a review of available mapping shows a tributary of the Fall River as well as a tributary of Fagan Lake running through the proposed retained lands. Both tributaries are connected to wetlands located on the proposed retained lands. We also note that the subject property is located beyond the adjacent lands to the Provincially Significant Wetlands in their vicinity. No other natural heritage features or natural hazards were identified on the subject property.

We advise that written permission is required from MVC prior to any alterations to a watercourse. In addition, any proposed works in or near a watercourse or wetland should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

On-Site Services (Septics) – Mississippi-Rideau Septic Office.

A review has been undertaken to ensure that a septic system meeting the minimum requirements established in Part 8 of the Ontario Building Code can be maintained or constructed on both the severed and retained portion of the subject property.

The severed portion of the subject property has an area of approximately 0.14-hectares. The retained portion is proposed to have an area of 75 hectares. The purpose of this lot addition is to allow for sufficient space for septic system replacement for the residence located at 288 Maberly-Elphin Road. The MRSSO is supportive of this application for a lot addition.

All new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements. Provided these design parameters are met the Mississippi-Rideau Septic Office has no objection to this severance as proposed.

We caution that other considerations must also be taken into account, however, in the review of any development application under the Planning Act for this lot including but not limited to Provincial Policy, the municipal Official Plan and Zoning By-law, watershed and water quality objectives, lake carrying capacity and fish habitat considerations greater setbacks and lot layout modifications may be required for development to proceed. These matters may be commented on separately and advice provided to the approval authority.

Hydro One Networks – No comments were received.

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

County of Lanark Public Works Department -

- Access from Maberly-Elphin Road being gained via the unopened road allowance. Lot addition only.

(c) PLANNING REVIEW

The applicant proposes to sever a 0.14-ha vacant lot to an existing residential lot to allow for sufficient space for septic system replacement for the residence and to retain a 75-ha landholding with an existing residence and outbuildings.

The lot to be severed and the lot to be enlarged gain access via an unopened road allowance which intersects with Maberly-Elphin Road and the retained lands gain access from Maberly-Elphin Road (#368). Maberly-Elphin Road is a County maintained municipal road. Tay Valley Township has advised that they will be dealing with the access issue separately, as it does not affect the severance.

Tay Valley Township has requested as a condition that the applicant submit to 5% cash-in-lieu of parkland. In accordance with Section 2.11.2 of the Official Plan this policy applies to 'new lot creation', therefore it is not recommended that the Committee include this as a condition.

Soils mapping indicates the lands are Class 7 – soils in this class have no capability for arable culture or permanent pasture.

Topography indicates the lands drain towards the Fall River, a distance of approx 50 m from the boundary of the proposed lot addition. Being that the lands are within 300 m of a Primary Water Source (Fall River) they are subject to possible "Archaeological Potential".

There were no concerns or 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 and Official Plan for the Tay Valley Township and could be given favourable consideration.

(d) 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.

(e) MINUTES – January 26, 2009

Kim Radcliffe, agent, attended the hearing and gave evidence under oath. The Committee noted that the lands to be enlarged do not meet the requirements of the Official Plan or Zoning By-law for Tay Valley and is therefore 'legal non-conforming'. Ms. Radcliffe should work with the Township to obtain some form of agreement to legally use the unopened road allowance.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The applicant shall provide the Township with two copies of all reference plans associated with this application is a survey is required by the Land Titles Office.
4. The applicant shall provide the Township with a copy of the deed/transfer for the property.
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. A letter shall be received from Tay Valley Township stating that condition #2 to #5 has been fulfilled to their satisfaction.
7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Bryan James William Radcliffe and Kimberly Ann Radcliffe described as Part Lot 14 Concession 9, geographic Township of South Sherbrooke as in RS181776 (PIN 05206-0139(LT)), 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.

NOTES:

- *The Mississippi-Rideau Septic Office advises that all new septic systems should be located >30 meters from the high water mark of any watercourse and respect all required Ontario Building Code setback and construction requirements.*
- *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.*
- *The Land Division Committee supports the Township and the Radcliffe's in their endeavour to resolve the access issues to the lands being enlarged.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Ruby Carol McKinnon

Hearing Date: January 26, 2009

Agent:

LDC File #: B08/164

Municipality: Lanark Highlands

Geographic Township: Dalhousie

Lot: 9

Concession: 11

Roll No. 0940 004 035 20200 **Consent Type:** Lot Addition

Purpose and Effect: The purpose and effect of this application is to sever a 1.8-ha vacant landholding as a lot addition to lands owned by Georgina C. Ellis at Pt Lot 10, Conc. 11, geographic Township of Dalhousie (RP26R-1180) and retain a 2.3-ha residential lot with an existing residential dwelling. (#6512 McDonald's Corners Road).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	1.8 ha	2.3 ha
Frontage	266 m	342 m
Depth	91 m	91 m
Road - Access to	McDonald's Corners Road	McDonald's Corners Road
Water Supply	N/A	Private Well
Sewage Disposal	N/A	Private Septic System
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	n/a	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	n/a	Yes
-Depth Required (min.)		n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

Official Plan – Section 3.6 Rural Area, Section 4.5.2 County Roads, Section 10.11.13 Subdivisions, Consents and Part-lot Control.

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

Zoning By-law - Section 4 General Provisions, Section 6.0 Rural Zone
The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

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

1. That the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
3. That the applicant provide the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
4. An acceptable reference plan or legal description of the severed lands and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Planning Approvals Administrator at the County for review and consent endorsement within a period of one year after the Notice of Decisions is given under Section 53 (17) or (24) of the Planning Act and that a copy of same be submitted to the Township.
5. That the applicant provide any required road widening to the Township at no cost to the Township.

Township of Lanark Highlands Planning Report

1.0 Review of Proposal and Application

An application for Consent was received by the County of Lanark under Section 51 of the Planning Act for the property at 6512 McDonald's Corners Road, legally described as Part 3, Lot 9 Concession 11 of Plan 26R116, former Township of Dalhousie, Township of Lanark Highlands, County of Lanark. The area is rural in nature with residential strip development along McDonalds Corners Road.

The purpose of the application is to sever a portion of the property to add to the lot owned by the abutting landowner to the rear of the holding. Access is currently provided to these lands owned the proposed severed lands by means of an access agreement. The proposed severed land is irregular in shape has a frontage on McDonald's Corners Road of 266 metres (875 feet) and an approximate areas of 1.8 ha (4.5 acres).

1.1 PROVINCIAL POLICY

The Provincial Policy Statement 2005 applies to all applications under the Planning Act and sets the policy foundation for regulating the development and use of land in Ontario. It applies to all applications and requires that any decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be comparable with the rural landscape. The application proposes to rationalize an existing situation for the severed lands and create an additional lot that may be used for residential development at some point in the future. There is no significant development proposed as part of these applications.

The application as submitted meet the consistent with test of the PPS.

1.2 OFFICIAL PLAN

The McKinnon lands are designated Rural on Schedule “A2” of the Township of Lanark Highlands Official Plan. Rural development concepts outlined within the Official Plan discuss a settlement pattern of very low density consisting of residences distributed along the road networks. The intent of the Official Plan is to protect the rural setting and natural resources for their economic value.

Any application for consent must be evaluated with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal and storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The application as submitted will meet the requirements of the Official Plan.

1.3 ZONING

The site is currently zoned Rural (RU) on Schedule “A2” of the zoning by-law. The submitted application meets the requirements of the Zoning By-law.

1.4 DISCUSSION

This application for consent is consistent with the 2005 Provincial Policy Statement, is in conformity with the Official Plan and meets the requirements set out in the Zoning By-law. The consent will have no impact on the current use or function of the subject or neighbouring properties. The use of the severed property will continue to function as it does now, as part of the front yard of the Ellis property. This consent essentially clarifies and rationalizes the existing use of the property.

No comments have been received as of the date of the drafting of this report.

Conservation Authority – Mississippi Valley Conservation

Mississippi Valley Conservation (MVC) 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.

According to the information provided, the purpose of the subject application is to sever a vacant 1.8-ha parcel of land as a lot addition to the adjacent property owner and retain 2.3 ha. Both of the resulting lots are already developed.

A review of available GIS mapping shows a tributary of Pauls Creek running through the subject lands. A wetland area is also depicted on the mapping. A review of aerial photography confirmed the presence of these natural features. Mapping also shows that the subject lands are located within the *Dalhousie Lake Deer Yard* - an area identified by the Ministry of Natural Resources as a significant deer wintering area. No other natural heritage features or natural hazards were identified on the subject property.

The Provincial Policy Statement (PPS), under section 2.1.4(d), states that development and site alterations, including lot creation, may be permitted in significant wildlife habitat, such as a designated deer yard, if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified. In order to address this requirement an Environmental Impact Statement (EIS) is typically recommended to assess the potential impacts of the proposal. However, MVC is of the opinion that there would be limited value in conducting an EIS at this time as both of the resulting lots are already developed and no new development is proposed at this time. However, in the event that future development is proposed within the deer yard, an EIS will be required to support such development.

MVC does not have any objection to the proposed lot addition provided that any potential future development complies with the zoning by-law and is directed outside of areas containing organic soils.

The property owner should be advised that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

In addition, any proposed works in or near the watercourse should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act 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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit

Severed Lands – gently rolling treed covered land with wet area on wet side of the lot. Proposed addition to an existing developed residential lot. Sandy loam soil 0-5 ft. in depth. Satisfactory for intended purpose.

Retained Lands – existing developed residential lot serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 ft. deep. Satisfactory.

Hydro One Networks – No comments were received.

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

County Public Works Department – advises as follows:

- Applicant has an approved entrance location to the County Road. (#2204).
- The applicant must make a full entrance application for the severed lands. The retained lands gain access via Permit 2204 (McDonald's Corners Road, which is currently under review and may require upgrading in the spring.
- Road widening is not required.
- The Ontario Land Surveyor in preparing the reference plan describing the subject lot, shall consult directly with the Lanark County Public Works Department to determine that the former road, which runs through the proposed lot and retained lands is adequately described for the purpose of a road closing.
- The County of Lanark requires the applicant to close the former road which runs through the land being severed. The Corporation of the County of Lanark will be responsible for the Public Notice and Road Closing By-law. The applicant will be responsible to communicate directly with the Lanark County Public Works Department in regards to cost sharing as it relates to the road closing.

(c) PLANNING REVIEW

The applicant proposes to sever a 1.8-ha vacant landholding as a lot addition to lands owned by Georgina C. Ellis at Pt Lot 10, Conc. 11, geographic Township of Dalhousie (RP26R-1180) and retain a 2.3-ha residential lot with an existing residential dwelling. (#6512 McDonald's Corners Road). The lands are accessed via McDonald's Corners Road, a County maintained municipal road.

The Ellis lands do not abut McDonald's Corners Road, however gains access to the County Road via a laneway across the McKinnon lands. The proposed severance will provide frontage along the County Road. The deed to the lands will also be required to acknowledge and R-O-W or easement that may exist for lands owned by Georgina C Ellis and Laura Clarke at Pt Lot 10 Conc. 11 Reference Plan 26R1491 Pts 1 - 3.

The subject lands are located in an area characterized by limited Rural Residential Development on mainly large lots. A Commercial Development (sawmill) has been establish approximately 530 m east of the lot.

The Township of Lanark Highlands has requested as a condition that the applicant submit to 5% cash-in-lieu of parkland. In accordance with Section 10.11.11 of the Official Plan this policy applies to 'new lot creation', therefore it is not recommended that the Committee include this as a condition.

It is also that the Township has requested that the applicant provide any required road widening to the Township at no cost to the Township. As the lands abut a County Road, it is not recommended that the Committee include this as a condition either.

As per previous Committee reviews, Condition No. 3 as suggested by the Township has also been modified.

There were no concerns or 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 and Official Plan for Township of Lanark Highlands and could be given favourable consideration.

(d) 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.

(e) MINUTES – January 26, 2009

Ruby Carol McKinnon, applicant and Georgina Ellis, purchaser attended the hearing and gave evidence under oath.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the severed lands are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for the severed parcel along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
4. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.

5. That the Ontario Land Surveyor is preparing the reference plan describing the subject lot, shall consult directly with the Lanark County Public Works Department to determine that the former road, which runs through the severed lands and the retained lands is adequately described for the purpose of a road closing.
6. That the applicant in consultation with the County of Lanark Public Works Department take all necessary steps to “Stop-up, Close and Convey” the former road which runs through the land being severed. The Corporation of the County of Lanark will be responsible for the Public Notice and Road Closing By-law. The applicant shall communicate directly with the Lanark County Public Works Department in regards to cost sharing as it relates to the road closing.
7. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist.
8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
9. A letter shall be received from Township of Lanark Highlands stating that condition #2 and #3 have been fulfilled to their satisfaction.
10. A letter shall be received from County of Lanark Public Works Department stating that condition #4 to #6 has been fulfilled to their satisfaction.
11. A letter shall be received from the Mississippi Valley Conservation stating that condition #8 has been fulfilled to their satisfaction.
12. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Georgina Charlotte Ellis described as Parts 1 & 2, Reference Plan 26R1180, Concession 11 Pt Lot 10, geographic Township of Dalhousie now in the Township of Lanark Highlands, 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.

NOTES:

- *The Mississippi Valley Conservation (MVC) advises that in the event that future development is proposed within the deer yard, an EIS will be required to support such development.*
- *MVC advises that future development should be directed outside of areas containing organic soils.*

- *MVC advises that in the event that shoreline work is proposed, written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- *MVC advises that, any proposed works in or near the watercourse should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Myrna Ubdegrove

Hearing Date: January 26, 2009

Agent:

LDC File #: B08/166

Municipality: Montague

Geographic Township: Montague

Lot: 20 **Concession:** 4

Roll No. 0901 000 020 35402

Consent Type: Lot Addition

Purpose and Effect:

The purpose and effect of the application is to sever a 9.4-ha vacant landholding as a lot addition to lands owned by Brian Pettigrew at Lot 19/20 Concession 4 Township of Montague and retain a 3.4-ha residential building lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Vacant	Residential
Area	9.4-ha	3.4-ha
Frontage	222.25 m	185 m
Depth	508 m	200 m
Road - Access to	none	Rosedale Road South
Water Supply	N/a	None
Sewage Disposal	N/a	None
Official Plan Designation -Conformity?	Rural Yes	
Zoning Category	Rural	Rural
-Area Required (min.)	0.4-ha	0.4-ha
-Compliance?	n/a	Yes
-Frontage Required (min.)	46 m	46 m
-Compliance?	n/a	Yes
-Depth Required (min.)	n/a	n/a
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

Section 1.1.4.1 In rural areas located in municipality development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Official Plan – Section 4.5 Consents, Section 5.1 Rural Lands Policy, Section 12.2 County Roads.

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

Zoning By-law – Section 3 General Provisions, Section 18 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 of Montague – recommends approval of this application subject to the following conditions:

- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That a copy of the reference plan to be provided to the Township of Montague.

Conservation Authority – Rideau Valley Conservation Authority.

The subject application has been reviewed by the Rideau Valley Conservation Authority, and a site inspection was completed. We have the following comments for the Committee's assistance.

The application involves a lot addition of 9.4 hectares to an existing lot at 1213 Rosedale Road South. There is 3.45 hectares remaining in the retained portion. It appears the lot addition portion consists of cleared land extending behind the Township property.

Rosedale Creek flows north to south and bisects the subject property and runs along the western boundary of the 1213 Rosedale Road property (property subject to lot addition). There is a small buffer of mature vegetation along creek. Maintaining and increasing the exiting shoreline buffer will aid in the protection of water quality and nutrient loading. Rosedale Creek is setback approximately 90 metres from the Township road which provides an adequate area to maintain a 30 metre setback from the creek for any future re-development on the property at 1233 Rosedale Road. The existing dwelling is located along the road well back from the creek.

Please note that Rosedale Creek is subject to Ontario Regulation 174/06 (made pursuant to the Conservation Authorities Act) as administered by the Conservation Authority in consideration of the Authority's development Policies for the "Construction of Buildings / Structures, Placing of Fill and Alteration to Waterways". No floodplain mapping is available for the section of Rosedale Creek. Any proposed structure spanning across the creek to access the western portion of property requires an application as required under Regulation 174/06 from the Conservation Authority. This would most likely require a hydraulic technical study. A fish habitat assessment conducted by RVCA, indicates that Rosedale Creek provides habitat for a variety of fish species including creek chub, white sucker and rock bass.

The Conservation Authority has no objection; we recommend that a 30 meter setback for any future development or disturbance to soil or vegetation cover from the high water mark of Rosedale Creek. We note that both properties have been developed and dwellings constructed. There is no anticipated impact to the creek or adjacent lands. We assume the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law.

Please advise the RVCA on the committee's decision regarding this application or any changes in its status.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit.

Severed Land – This is a 9.4 hectare property. The land is a rolling field. Drainage is to the east. There is at least 9 inches of topsoil. The land is to be an addition to neighbouring property. This property is to be used for farming.

Retained Lands – This is a 3.4 hectare property. It is a rolling field. Main drainage is to the east. There is approximately 9 inches of topsoil. There is adequate space for a septic system. Depending on the exact location, it may be necessary to install a raised system using imported sandy loam fill.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a 9.4-h vacant landholding as a lot addition to lands owned by Brian Pettigrew at Lot 19/20 Concession 4 Township of Montague and retain a 3.4-ha residential building lot..

The lot to be severed has no road access, however the land to be enlarged and the retained lands access Rosedale Road South. The retained lands also abut Roger Stevens Road. Both Rosedale Road South and Roger Stevens Drive are County maintained municipal roads.

The area is characterized by a mixture of small residential lots and larger estate type residential lots located along both Roger Stevens Drive and Rosedale Road South. The Montague Municipal Office and Works garage abuts the severed lands to the north and the lands to the east are owned by the Upper Canada District School Board.

Soils mapping indicates the lands are Class 3R – Soils in this class have moderately severe limitations that restrict the range of crops or require special conservation practices. Subclass R: shallowness to solid bedrock – solid bedrock is less than 3 feet from the surface.

There were no concerns or 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 and Official Plan for the Township of Montague and could be given favourable consideration.

(d) 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.

(e) MINUTES – January 26, 2009

Myrna Ubdegrove, applicant attended the hearing and gave evidence under oath.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
3. The applicant shall provide the Township with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
4. That the applicant enter into a Site Plan Agreement and/or Subdivision Agreement with the Township of Montague, the wording of which shall be to the satisfaction of the Township and Rideau Valley Conservation Authority, advising that no development, including the installation of septic systems shall be permitted within 30 metres of Rosedale Creek and that there shall be no disturbance to soil or vegetation cover from the high water mark of Rosedale Creek.
5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application
6. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #4 and #5 have been fulfilled to their satisfaction.

7. A letter shall be received from the Township of Montague stating that condition #2 to #4 has been fulfilled to their satisfaction.
8. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Brian Albert Pettigrew described as Part 1, Plan RP27R6315, Pt Lot 19/20 Concession 4, Township of Montague, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES:

- *The Leeds Grenville and Lanark District Health Unit advises that depending on the exact location of a proposed septic system on the retained lands, it may be necessary to install a raised system using imported sandy loam fill.*
- *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.*

**LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT**

Owner: Colonnade Development Inc.

Hearing Date: January 26, 2009

Agent: Cal Kirkpatrick

LDC File #: B08/167

Municipality: Carleton Place

Geographic Township: Beckwith

Lot: 16 **Concession:** 10

Roll No. 0928 030 060 16200

Consent Type: New Lot

Purpose and Effect:

The purpose and effect of the application is to sever a 1.63-ha vacant Highway Commercial building lot and retain a 3.02-ha Commercial Lot.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant Commercial	Vacant Commercial
Proposed Use	Commercial	Commercial
Area	1.63-ha	3.02-ha
Frontage	88.87 m	288.21 m
Depth	600 m	288.21 m
Road - Access to	McNeely Ave Extension	McNeely Ave Extension
Water Supply	Piped Water	Piped Water
Sewage Disposal	Municipal Sewers	Municipal Sewers
Official Plan Designation	Highway Commercial	
-Conformity?	Yes	
Zoning Category	Highway Commercial	Highway Commercial nil
-Area Required (min.)	nil	Yes
-Compliance?	Yes	15 m
-Frontage Required (min.)	15 m	Yes
-Compliance?	Yes	n/a
-Depth Required (min.)	n/a	
-Compliance?		

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

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

Section 1.1.2 Sufficient land shall be made available through intensification and redevelopment.

Section 1.1.3.3 Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Section 1.1.3.7 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities

Section 1.3.1 Planning Authorities shall promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and futures uses.

Section 1.6 Infrastructure and Public Service Facilities – Planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs.

Section 1.7 Long-Term Economic Prosperity – long-term economic prosperity should be supported by optimizing the long-term availability and use if land, resources, infrastructure and public service facilities.

Official Plan - Section 3 General Policies, Section 4.5 Highway Commercial, Section 4.8 Special Study Area, Section 5.5 Local Roads, Section 6 Municipal Services, Section 7.7.1 Consents.

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

Zoning By-law – The Town of Carleton Place has adopted a “Development Permit By-law” to implement the policies of the Official Plan. Relevant Section are: 2.13 Development Permit Requirements, 2.14 Development Permit Area, 2.16 Development Permit Classes, 2.17 development Permit Review Process, Section 3 General Provisions, Section 6.4 Highway Commercial.

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

(b) AGENCY REVIEW

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

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

- An acceptable reference plan or legal description of the severed lands and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement with a period of one year after the Notice of Decisions is given under Section 53 (17) or (24) of the Planning Act.
- The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.

Town of Carleton Place Planning Report

SUMMARY

An application has been submitted to sever a portion of land from Part of Lot 16

Concession 10 known as the Colonnade development. The severed parcel is located on the north side of the existing ditch and south of the existing development where Blockbuster Video, Broadway's Restaurant and Bar, Staples and TD Bank are located. It is known as Parts 1 and 25 on Plan 27R-8982. Both the retained and severed parcels are subject to a site plan agreement already registered on title. There were two previous severances from the original parcel for the development of the ROMA store and the vacant land south of the ditch.

COMMENT

The Official Plan designation is Highway Commercial (HC). The Highway Commercial designation allows commercial development that serves the travelling public and development requires an approved development permit. The associated designation is the Development Permit By-law is Highway Commercial which permits a wide range of uses including retail, restaurants, financial institutions and automobile sales.

The site has been developed under a site plan agreement and the proposed severed parcel is subject to further site plan control as indicated in the registered agreement. The Town holds securities for the future development of the proposed severed parcel. The parcel is being severed for financing purposes and will be developed once a tenant is established for the site.

Conservation Authority – Mississippi Valley Conservation

Mississippi Valley Conservation (MVC) 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.

It is our understanding that the purpose of the subject application is to sever a vacant 1.63-ha Highway Commercial building lot and retain a 3.02-ha Highway Commercial lot with existing retail buildings.

A tributary of Lavallee Creek runs along the eastern lot line of the proposed severed parcel. This tributary was realigned in the Year 2006 as permitted by Mississippi Valley Conservation pursuant to *Ontario Regulation 153/06 – Development, Interference with Wetlands and Alterations to Shorelines* (refer to File W06-23) and the Department of Fisheries and Oceans Canada pursuant to subsection 35(2) of the *Fisheries Act* (refer to File PR-05-1473). To our knowledge, the realignment was completed as per the specifications of these approval agencies. We also note that prior to the realignment, a fisheries assessment conducted by Eco-Tech determined the creek to be fish habitat.

MVC does not have any objection to the subject application provided the following mitigative measures are adhered to for any future development:

- A minimum 30 metre setback from the seasonal high water mark of the realigned tributary of Lavallee Creek and from all fish habitat, shall be maintained for future development.

- The shoreline vegetation along the realigned tributary of Lavallee Creek shall be retained to a minimum depth of 15 metres.

Additional comments and recommendations will be provided at the time of proposed development through site plan control and the review of an anticipated Stormwater Management Plan.

In the event that shoreline work is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". In addition, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near fish habitat should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act 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.

On-Site Services (Septics) – n/a

Hydro One Networks – No comments were received.

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

County of Lanark Public Works Department -

Both the severed and retained lands to gain access via a municipal road (McNeely Avenue Extension)

(c) PLANNING REVIEW

The applicant proposes to sever a 1.63-ha vacant Highway Commercial building lot and retain a 3.02-ha vacant Highway Commercial building lot.

The lot to be severed and the lot to be retained gain access via the McNeely Ave extension, a municipal owned and maintained road.

The Official Plan indicates that the lands are within the Highway Commercial and Special Study Area. Development and redevelopment is subject to Site Plan Control. The Development Permit By-law indicates the lands to be within the Highway Commercial area.

The proposed lot is in an area designated by the Town for commercial purposes. A number of commercial enterprises are already constructed within the immediate area.

The lot is being severed for financing purposes and is subject to a Site Plan Agreement. No immediate development proposal is being submitted to the Town under the Development Permit System.

Through discussion with the Town of Carleton Place Planner, it has been agreed that a condition also be included, to reflect that both the retained and severed lands shall continue to be subject to the Site Plan Agreement, which has been registered on the title of the original parcel.

There were no concerns or 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 and Official Plan for the Town of Carleton Place and could be given favourable consideration.

(d) 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.

(e) MINUTES – January 26, 2009

Cal Kirkpatrick, agent attended the hearing and gave evidence under oath. Mr. Kirkpatrick advised that he had discussed the setback requirements with the Conservation Authority.

M Kirkham, Secretary-Treasurer, confirmed with MVC by telephone that the CA would work with the Town and the applicant to determine the acceptable setback requirement.

(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.

CONDITIONS:

1. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator 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 deed of land required by condition #1 above shall recognize the registered Site Plan Agreement that currently exists.
3. That the balance of any outstanding taxes, penalties and interest (including any local improvements) shall be paid to the Town.

4. That a minimum setback from the seasonal high water mark of the realigned tributary of Lavalee Creek and from all fish habitat be mutually determined and established by the applicant, Conservation Authority and Town of Carleton Place.
5. That a shoreline vegetation buffer along the realigned tributary of Lavalee Creek, be mutually determined and established by the applicant, Conservation Authority and Town of Carleton Place.
6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.
7. A letter shall be received from the Mississippi Valley Conservation Authority stating that conditions #4 to #6 have been fulfilled to their satisfaction.
8. A letter shall be received from the Town stating that conditions #2 to #5 have been fulfilled to their satisfaction.

NOTES:

- *The Mississippi Valley Conservation (MVC) advises that In the event that shoreline work is proposed in the future, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
- *MVC advises that, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near fish habitat should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*