

---

The Land Division Committee met in regular session on Monday, March 14, 2016 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

---

Members Present: D. Murphy and W. Guthrie  
Member Absent: R. Strachan  
Staff Present: M. Kirkham, Secretary-Treasurer

**LAND DIVISION COMMITTEE**

**1. CALL TO ORDER**

In the absence of the Chair, the Secretary-Treasurer called the meeting to order.

**2. APPOINTMENT OF CHAIR**

**MOTION #LD-2016-9**

**MOVED BY:** W. Guthrie

**"THAT,** Dan Murphy be appointed as Chair for the Land Division Committee meeting held on March 14, 2016."

**ADOPTED**

**3. DISCLOSURE OF PECUNIARY INTEREST**

None

**4. APPROVAL OF MINUTES**

**MOTION #LD-2016-10**

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

**"THAT,** the minutes of the Land Division Committee meeting held on February 22, 2016, be approved as circulated."

**ADOPTED**

**5. ADDITIONS AND APPROVAL OF AGENDA**

**MOTION #LD-2016-11**

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

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

**ADOPTED**

**6. DELEGATIONS & PRESENTATIONS**

None

**7. NEW APPLICATIONS**

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

7.1 B15/109 – Shawn Powell and Jennifer Kemp – new lot  
Pt. Lot 20 Conc. 7 Township of Beckwith.  
Derry Side Road.

7.2 B15/125 – Ewen and Carol Ferguson – new lot  
Pt. Lot 19 Conc. 9 Township of Beckwith.  
9th Line Beckwith.

7.3 B15/131 - George Gardiner – new lot  
Pt. Lot 7/8 Conc. 9 Township of Beckwith.  
9th Line Beckwith.

7.4 B15/150 - 8907501 Canada Inc. – lot addition  
Lots 13, 14, 16 & 17 Plan 1184 Township of  
Montague. Rideau Ave. N.

7.5 B15/151 – Thomas & Kathleen Cavanagh – easement  
Pt. Lot 26/27 Conc. 11 Township of Beckwith.  
Cavanagh Road.

7.6 B15/154 – Aaron Hay – easement  
Pt. Lot 8 Conc. 10 Township of Beckwith.  
Lakeside Drive.

7.7 B16/004 – 1737814 Ontario Ltd. – new lot  
W. Pt. Lot 10 Conc. 12 geographic Township of  
Ramsay, now in the Municipality of Mississippi Mills.  
Old Almonte Road.

## **8. DEFERRED APPLICATIONS**

The Land Division Committee reviewed the following deferred report for consideration at the 10:00 a.m. public hearing.

8.1 B15/055 and B15/056 – Timothy Watson – 2 new lots  
Pt. Lot 14 Conc. 6 geographic Township of Lanark,  
now in the Township of Lanark Highlands.  
Con 6C Lanark.

## **9. CONFIDENTIAL REPORTS**

None

## **10. COMMUNICATIONS/OTHER BUSINESS**

10.1 Hydrogeological Investigations – deferred

## **11. PROVISIONAL CONSENT GRANTED**

11.1	B15/055 and B15/056 – Timothy Watson – 2 new lots	5 - 14
11.2	B15/109 – Shawn Powell and Jennifer Kemp – new lot	15 - 29
11.3	B15/125 – Ewen and Carol Ferguson – new lot	30 - 41
11.4	B15/131 - George Gardiner – new lot	42 - 53
11.5	B15/150 - 8907501 Canada Inc. – lot addition	54
11.6	B15/151 – Thomas & Kathleen Cavanagh – easement	62 - 65
11.7	B15/154 – Aaron Hay – easement	66 - 69

**12. PROVISIONAL CONSENT DEFERRED**

None

**13. PROVISIONAL CONSENT DENIED**

None

**14. UPCOMING MEETINGS AND NOTICES**

March 23, 2016 at 10:30 a.m. OMB Hearing – Caldwell – Mississippi Mills Administration Building.

April 11, 2016 at 9:00 a.m. – D. Murphy unable to attend.

May 9, 2016 at 9:00 a.m.

May 29 to June 1, 2016 – City of London – OACA Conference

June 13, 2016 at 9:00 a.m.

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

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

**15. ADJOURNMENT**

**MOTION #LD-2016-12**

**MOVED BY:** W. Guthrie

**SECONDED BY:** D. Murphy

**"THAT,** the meeting do now adjourn at 11:35 a.m."

**ADOPTED**



Mary Kirkham  
Secretary-Treasurer



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Timothy Watson

**Hearing Date:** August 10, 2015

**Re-convened Hearing:** Mar 14, 2016

**Agent:** N/A

**LDC File #:** B15/055 & B15/056

**Municipality:** Township of Lanark

**Geographic Township:** Lanark

**Lot:** 14

**Conc.:** 6

**Roll No.:** 0940 934 015 09001 and  
0940 934 015 09003

**Consent Type:** 2 New Lots

**Purpose and Effect:** To sever two (2) residential building lots (1.0-ha each) and retain a 6.89-ha residential lot with an existing dwelling located at 1900 Con 6C Lanark.

DETAILS OF PROPOSAL	Lands to be Severed B15/055	Lands to be Severed B15/056	Lands Retained
<b>Existing Use</b> <b>Proposed Use</b>	Field – Residential Residential	Field – Residential Residential	Residential Residential
<b>Area</b>	1.0 ha	1.0 ha	7.89 ha
<b>Frontage</b>	60 m	90 m	142 m
<b>Depth</b>	117 m	105 m	341 m
<b>Road - Access to</b>	Municipal Road	Municipal Road	Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Proposed well Proposed septic	Proposed well Proposed septic	Private well Private septic
<b>Zoning By-law</b> <b>Category</b>	Rural	Rural	Rural
<b>-Area (minimum)</b>	1.0-ha	1.0-ha	1.0-ha
<b>-Compliance?</b>	Yes	Yes	Yes
<b>-Frontage (minimum)</b>	60 m	60 m	60 m
<b>-Compliance?</b>	Yes	Yes	Yes

**Official Plan Designation:** Rural Communities

**Conformity:** Multiple development should have consideration for 3.3.2 Water and Waste Water Services and 3.3.6.2 multiple lot development.

#### (a) APPLICATION REVIEW

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

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

### **Development and Land Use Patterns**

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

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

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

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

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

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

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

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

#### **2.2 Water**

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

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

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

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

**Local Official Plan** – Section 3.0 Planning Sustainable Communities, Section 3.3 Rural Communities, Section 7.4.3 Local Roads, Section 7.4.6 .2 sufficient quantity and quality of potable water, section 8.4.2 Consents.

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

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

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

**(b) AGENCY REVIEW**

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

**Township Planning Report**

Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of two residential lots. The property is legally described as Pt Lot 14 Concession 6, geographic Township Lanark, now in the Township of Lanark Highlands.

The purpose of applications B15/038 and B15/039 is to sever two residential building lots. Each severance is 2.47 acres. The retained parcel is a 17.02 acre landholding. The lands to be severed are accessed via 6th Concession C, Lanark.

The property has an Official Plan designation of Rural Communities. The property is zoned Rural (RU).

**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 2014 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test.

New development must be evaluated to determine if unplanned extensions to existing infrastructure will result if the application is approved. The proposed lots will be privately serviced and it appears that the lands are of sufficient area to support a private well and septic system. Permits from the Health Unit will be required prior to any new development. The proposed lots have access to a municipally maintained road.

**COUNTY OFFICIAL PLAN**

2.6.3 Lot Creation The creation of new lots in Settlement Areas shall generally occur through plans of subdivision or consent. The use of the Planning Act's consent provisions may be appropriate under certain circumstances such as infill development and where a limited number of new lots are proposed to be created. The criteria identified for land division by consent in local Official Plans shall apply.

**OFFICIAL PLAN**

Any application for consent must be evaluated with the policy directives of Section 8.4.2, which provides direction when considering the division of lands within the Township.

8.4.2.3 The following criteria shall apply when considering consent applications. The Township may require that this information shall be in the form of a hydrogeological study, prepared by a qualified professional, and must demonstrate that the aquifer can provide a long term sustainable water supply of acceptable quality and quantity.

3.3.6.2 A hydro-geology study shall be required in support of a lot creation application by consent or plan of subdivision where the proposed lot(s) is/are:

- less than 0.8 hectare (1.9 acres),
- where related applications would create more than 1 new lot,
- where the new lot would be adjacent to an existing lot;

- or within 50 metres (164 feet) of an existing lot.

These applications are adjacent to the Hamlet zone. The two proposed lots to be located within 50m of existing residences. A recent planning application for a multi-lot residential subdivision within close proximity to the subject lands of this application identified concerns with water quality and quantity. Adequate water quality and quantity can be demonstrated through a hydrogeology study at the request of the approval authority. Planning staff have discussed this application with the County planning staff and have determined that a scoped hydrogeological study should be considered. A scoped hydrogeological study would provide information to ensure that there is an adequate and potable water supply for the existing and proposed residential development. Also, during this process residents expressed concern over impacts to existing wells in the hamlet.

#### ZONING

The subject property is zoned Rural. The proposed lots meet or surpass the minimum frontage and area requirements of the RU zone.

#### DISCUSSION

This property has had 2 previous severances (prior to 2003) which contribute to the unconventional layout of the proposed severances. The main parcel subject to this application is considered a lot of record per the Official Plan policy and is eligible for severance.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. An acceptable reference plan or legal description of the severed lands and the deed be submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. That the applicant provide to the Township the 5% cash in lieu of parkland dedication fee.
5. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
6. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands.
7. That sufficient lands be deeded to the Township of Lanark Highlands along the frontages of the lots to be severed to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and that the municipality has a good and marketable title. The Township Superintendent of Public Works should be consulted prior to commencing a survey to determine the amount of road widening required.

#### **Conservation Authority** – Mississippi Valley Conservation Authority

A cursory review of the above noted applications revealed no issues with regard to Mississippi Valley Conservation Authority's plan input and review program. We have therefore screened these applications out of our formal review process.



We note that an unnamed watercourse flows through two unclassified wetlands along the south eastern edge of the retained parcel, on the adjacent lands. We recommend that any potential new development, on the retained lands, comply with a minimum setback of 30 m from the watercourse and wetlands.

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

Severed (same report for B15/055 and B15/056)- A 2.5 acre of vacant land. Land is mainly open field with some scrub brush. Land has gentle slope. Additional sandy loam fill will be required in the area of the future leaching bed.

Retained - A 19.5 acre parcel of land with an existing house serviced by a well and septic system. There is also an existing garage. Additional sandy loam fill will be required in the area of the future replacement leaching bed.

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

**Bell Canada R-O-W**

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

We have no concerns or objection to the proposed severance.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever two (2) residential building lots, each containing 1.0-ha and to retain a 6.89-ha residential lot with an existing dwelling located at 1900 Con 6C Lanark. Two previous consents were granted on the original parcel of land prior to the lot creation date of 2002. However there are currently a total of five individual parcels on the original 100-acre town lot – if approved, this would be increased to 7 individual lots.

The subject lands are located in an area characterized by rural residential development and large landholdings. The lands abut the Hamlet of Middleville to the north. A recent development proposal for a multi-lot subdivision was proposed within close proximity of these lots. Numerous letters were received by the County, expressing concerns regarding adequate quality and quantity of water, and impacts on existing wells in the Middleville area, if this development was to proceed.

In reviewing these applications, County Planning Staff discussed with Township Planning Staff that a scoped hydrogeological study should be undertaken which would provide information to ensure that there is adequate and potable water supply for support additional development. Given the concerns that were expressed by the public through this previous development proposal, it is recommended that the Committee ‘defer’ these applications and request that the applicant have a ‘scoped’ Hydrogeological Investigation undertaken by a qualified

consultant, to demonstrate favourable groundwater quantity, groundwater quality, terrain evaluation and water quality impact risk analysis. See Section 8.4.2.3 and 3.33.6.2 of the Township's Official Plan and Section 1.6.6.4 of the PPS.

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

Soils Inventory – B15/055	B15/056
- Name: Tennyson	Tweed
- Stoniness: slightly stony	Very Stony
- CLI: 2 – moderate limitations	7 – no capability for agri
- Drainage: well	well
- Hydrogeology: moderate	moderate

Bedrock Inventory – diorite, gabbro, peridoite

#### Endangered Species

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

#### Official Plan Policies

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

#### Zoning

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

Conclusion

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

No new or additional municipal infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Zoning By-law, however additional studies are recommended to determine that site conditions are suitable for the long-term provision of individual on-site sewage services and individual on-site water services in order to meet the consistent with test of the Provincial Policy Statement.

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is not satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Lanark Highlands and should be deferred. However, should the Committee determine that additional studies are not required, draft conditions have been provided.

**(e) MINUTES – August 10, 2015**

Timothy Watson, owner attended the hearing and gave evidence under oath.

Committee members expressed concerns with the number of lots that have been created in the immediate area of the ones now being proposed. The committee also noted that they are concerned with the additional burden that would be placed on the aquifer and that a scoped analysis or the drilling of a well may provide the information that is required so that the committee is confident that there is no issue with quantity and quality of water at the site.

Mr. Watson agreed that a deferral of the decision would provide him with time to determine the cost of a scoped hydrogeological evaluation versus the drilling of a well.

Moved by W Guthrie

Seconded by D Murphy

**THAT** B15/055 and B15/056 – Watson, be deferred to allow the applicant time to determine what costs would be involved to provide assurances that adequate and potable water supply is available at the sites. **CARRIED**

**(f) ADDITION INFORMATION**

Mr. Watson agreed to a condition being implemented that requires him to drill a well on one of the lots prior to final approval.

Given that the applicant has agreed to undertake the drilling of a well to demonstrate that suitable water quality and quantity can be obtained to service the

lots, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Lanark Highlands and could be given favourable consideration.

**(g) MINUTES – March 14, 2016**

Timothy Watson, owner attended the hearing. The chair advised Mr. Watson that he was still under oath from the previous meeting.

Mr. Watson questioned the cash-in-lieu of parklands amount and was advised that it is a flat fee for Lanark Highlands (approx.. \$200.)

Committee reviewed the staff report and draft conditions.

**(h) 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.

**The following conditions would apply to both lots. B15/055 and B15/056**

1. An acceptable reference plan or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
4. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide the Township of Lanark Highlands with a copy of the deed/transfer for the property.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 42 of the Planning Act (Cash-in-Lieu of Parklands).
8. That the Owner(s) provide certification of the following to the Lanark County Land Division and the Township of Lanark Highlands:
  - a) That a well has been constructed in accordance with the Ministry of

Environment and Climate Change requirements on either the lot being created through Consent Application B15/055 or B15/056;

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

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

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

#### **NOTES**

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

*It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List (SARO). The Committee on the Status of Species in Ontario (COSSARO) meets*

*regularly to evaluate species for listing and/or re-evaluate species already listed. As a result, species' designations may change that could in turn change the level of protection they receive under the ESA 2007. Also, habitat protection provisions for a species may change e.g. if a species-specific habitat regulation comes into effect. The regulation would establish the area that is protected as habitat for the species.*

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



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Shawn Powell / Jennifer Kemp

**Hearing Date:** March 14, 2016

**Applicant:** Shawn Powell

**LDC File #:** B15/109

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

**Lot:** 20

**Conc.:** 7

**Roll No.:** 0924 000 020 15800

**Consent Type:** New lot

**Purpose and Effect:** To sever a 0.88-ha residential building lot and retain a 16.32-ha residential landholding at 2001 Derry Sideroad.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Vacant	Residential
<b>Proposed Use</b>	Residential	Residential
<b>Area</b>	0.88-ha	16.32-ha
<b>Frontage</b>	111 m	310 m
<b>Depth</b>	90 m	310 m
<b>Road - Access to</b>	County	County
<b>Water Supply</b>	Proposed Well	Private well
<b>Sewage Disposal</b>	Proposed Septic	Septic System
<b>Zoning By-law Category</b>	Rural and Wetland	Rural and Wetland
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 M	45 M
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Wetlands, Rural, Special Service Overlay

**Conformity:** Yes

#### (a) APPLICATION REVIEW

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural

settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.

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

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

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

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

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

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

### **2.1 Natural Heritage**

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

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

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

### **2.2 Water**

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

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

### **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.1 Provincially Significant Wetlands, Section 8.2.2 Consents.



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

**Local Official Plan** – Section 4 General Development Policies, Section 4.5.2 (iii) – Special Service Area, Section 4.6 Natural Heritage Features, Section 6 Rural Lands, Section 6.4 Flood Plain, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

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

**Zoning By-law** – Section 3 General Provisions, Section 11 Rural – Special Service Area.

The Township of Beckwith advises that the proposal complies with the zoning by-law regulations provided the applicant enters into a Site Plan Control Agreement to ensure future development conforms with the recommendations of the EIS.

**(b) AGENCY REVIEW**

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

**Township Planner's Report** – none provided

**EXECUTIVE SUMMARY**

The applicant proposes to sever an approximately 2.4 acre severance along County Road 17. The subject lands are largely affected by wetlands, however there is a pocket of the lands that are not designated PSW. The proposed severance would be entirely within the 120m adjacent lands. An EIS was reviewed by MNR and RVCA and it has been determined that the proposed severance contains a suitable building envelope that will not adversely affect the wetlands. RVCA has raised flooding concerns for a portion of the proposed severance. A zoning by-law amendment is recommended to implement the recommendations from the EIS and to mitigate flooding concerns.

**DESCRIPTION OF PROPOSAL**

The applicant proposes to sever an approximately 2.4 acre severance that would be within 120m of Provincially Significant Wetlands. The applicant advises that the proposed severance has qualified for a separate entrance onto County Road 17, being Derry Road. The proposed severance would be approximately 110m of frontage by approximately 90m in depth for a total of 2.4 acres.

**DESCRIPTION OF SUBJECT LANDS**

The subject lands were formerly a 50 acre parcel that is largely considered PSW. The lands contain a ridge of slightly elevated lands that are recognized as not being wetlands but largely fall within 120m of the wetlands. The lands have been developed with a single dwelling and provided a severance in recent years, which has also been developed with a single dwelling. The area of the proposed 2 acre severance is entirely treed.

**PROVINCIAL POLICY STATEMENT**

#### OFFICIAL PLAN

The lands are designated Rural and Wetlands. The proposed severance would be within the portion of the property designated Rural, but is within 120m of the wetlands. As such, the proposed severance is subject to additional regulation and consideration.

Section 4.5 of the Official Plan provides guidance on land division. These policies indicate that original parcels of approximately 50 acres in size qualify for up to two (2) severances; the subject lands previously provided a severance through approximately B12-005 and this proposed severance would form the second and final severance from these lands. The land division policies require rural severances to be 2 acres in size and provide frontage to conform to the zoning requirements. The proposed severance would be approximately 2.4 acres with 110m frontage, which exceeds the requirements. Section 4.5.1 xv) indicates that a division of land will not be permitted if the lands are subject to environmental constraints. The applicant has demonstrated that there is a suitable building envelope within the proposed severance. The local conservation authority is satisfied that the proposed building envelope would not be affected by the 1:100 year flooding event. Any development on the lands is required to be at least 50m from the southern side property line.

The proposed severance is located within the Township's special service area. Severances are permitted within this area, but the future development is required to participate within the water monitoring program for a period of five years. Section 4.5.2 iii) provides guidance on this process.

#### ZONING BY-LAW

The proposed severance would be located in the Rural-Special Service Area zone, which requires at least 45m frontage and a minimum lot size of 1 acre. The proposed severance would exceed these minimums, as approximately 110m frontage are proposed with a lot area of approximately 2.4 acres.

Staff recommends that the application rezone the property to ensure future development conforms with the recommendations of the EIS.

#### OPTIONS / ANALYSIS

The EIS prepared by the applicant and reviewed by MNR and RVCA recommended that the building envelope for the new dwelling be setback at least 50m from the adjacent PSW. The proposed severance will essentially abut the wetland boundary, which means that future development should be setback at least 50m from the southern side property line. Further, RVCA noted that the Good Wood Marsh has a 1:100 year flood elevation of 131.7m, which was developed during the subdivision studies for Maple Ridge; a portion of the property falls below this elevation. As such, precautions should be taken to ensure that future development has been constructed to mitigate against these risks.

Staff recommends that a zoning by-law amendment be completed to create a site specific Rural zone that would require future development to be setback at least 50m from the southern side property line and to conform to the flood proofing measures recommended by the RVCA.

Should the Committee prefer, the Township could implement the same requirements through a site plan application and registered agreement. It should be acknowledged that it is difficult for the Township to keep track of development agreements that have been registered on title since the Township cannot readily review title for each property. As such, there is potential for these constraints (50m setback, development beyond the 1:100 year level) to be lost if development of the property does not occur within a timely fashion. Further, the registration of agreements on title for severances is delayed because the legal description for the severance does not exist until after the severance has been created. The applicant lawyer then forwards the legal information and registers the agreement afterwards; there is the possibility of this final work to fall through the cracks and not be completed.

Staff recommends the zoning approach because the approach can be completed prior to the severance being finalized and the zoning schedule would act as an ongoing reminder if development of the lands does not occur in a timely fashion.

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

1. That the applicant enters into a development agreement with the Township of Beckwith with respect to future participation within the Beckwith Water Monitoring Program;
2. That the applicant obtains a Site Plan Control from the Township of Beckwith;
3. That the applicant provide the Township with a paper copy of the survey;
4. That the balance of any outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Township.

Advisory Notes:

1. That all future buildings and 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.

**Conservation Authority** – Rideau Valley Conservation Authority

We have undertaken our review within the context of Sections 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations. The following comments are offered for the Committee's consideration.

**PROPOSAL**

The proposal is to sever one 0.88 hectare residential lot from the existing 17.02 hectare parcel ultimately resulting in 2 lots.

**PROPERTY CHARACTERISTICS**

**Severed Parcel**

An exhausted sand pit exists on the severed parcel. The area is primarily treed with pioneer hardwoods. The boundary of the Goodwood Marsh Provincially Significant Wetland is along the southern boundary of the proposed lot line. The severed parcel is vacant.

#### Retained Parcel

Majority of the retained parcel has been identified as being within the Goodwood Marsh Provincially Significant Wetland. The site is primarily treed save and except for the existing residence and driveway.

#### REVIEW

##### Natural Hazards

##### Floodplain

In the early 90's some floodplain estimates were done for the Goodwood Marsh during the approval process of a subdivision directly to the north-west of the subject property. A flood elevation estimate of 131.7 metres geodetic was made at that time and is the best available information to date that can be used for this property.

##### Severed Parcel

The applicant has submitted a draft plan of survey provided by G.A. Smith Surveying Ltd. Which has identified site specific elevations for the severed parcel. Based on the elevations provided, there is an available building envelope on the severed property above the 1:100 year floodplain. We note that this survey has not been stamped or signed by the Ontario Land Surveyor and is in draft form. Therefore a final plan of survey signed and stamped by the Ontario Land Surveyor will be required as a condition of approval.

Based on the building envelope identified on the draft plan of survey, the construction of a new residence on the property has the potential to be within close proximity of the 1:100 year floodplain. , Therefore it will be imperative that floodproofing measures be implemented on any proposed residence. The required floodproofing measures can be brought forward in a development/site plan agreement with the Township.

##### Retained Parcel

The retained parcel is already developed with a residence and is above the 1: 1 00 year floodplain based on the information provided.

##### Natural Heritage

##### Provincially Significant Wetland

##### Severed Parcel

The severed parcel is entirely within the 120 metre adjacent lands of the Goodwood Marsh Provincially Significant Wetland. In accordance with the requirements of the Township's Official Plan, the applicant has provided an EIS "Environmental Impact Statement for Mr. Shawn Powel- Severance. #2001 Derry Side Road. Pt. of Lot 20. Conc. VII. Beckwith Township, Lanark County" dated February 24, 2015, prepared by Pinegrove Biotechnical. The EIS has evaluated the impacts of the proposed severance and made the necessary recommendations. Amongst the recommendations in the report, is the requirement for a minimum development setback of 50 metre from the wetland boundary. We note that no site plan delineating the building envelope based on the report's findings has been provided. Therefore it is important that the building envelope is clearly delineated on a site plan to ensure that the owner or any future purchaser is aware of the constraints on the site. This can be done through a condition of approval.

#### Retained Parcel

Majority of the retained parcel has been identified as being within the Goodwood Marsh Provincially Significant Wetland. The lot has already been developed with a residence and driveway which were evaluated by a separate EIS at the time that the original lot was created (2012).

#### Conservation Authority Regulation

For the applicant's information the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands are within the RVCA's regulatory jurisdiction. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

- Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.
- Any development within the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written approval of the Conservation Authority. Development in the wetland is not permitted.

#### CONCLUSION – revised conditions January 21, 2016

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

1. That the Owner provides a final plan of survey dated, signed and stamped by G.A. Smith Surveying Ltd. to the satisfaction of the Rideau Valley Conservation Authority.
2. That the Owner provides a site plan which clearly delineated the building envelope on the property based on both the floodplain information contained in plan of survey and based on the recommendations in the accepted EIS to the satisfaction of the Township of Beckwith and the Rideau Valley Conservation Authority.
3. That the Owner enter into a development agreement or site plan agreement with the Township of Beckwith with wording to the satisfaction of the Rideau Valley Conservation Authority and the Township of Beckwith that:
  - a. The Owner acknowledges and agrees that the underside of the footing of any foundation construction on the subject property shall be above the 1: 100 year flood elevation of 131.7 metres geodetic and that the underside of the first floor must be a minimum of 0.3 metres above the 1:100 year flood elevation of 131.7 metres geodetic.
  - b. That the Owner acknowledge and agrees that portions of the property are subject to Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:
    - i) Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.
    - ii) Any development within the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written

approval of the Conservation Authority. Development in the wetland is not permitted.

- c. That the Owner acknowledges and agrees that all development including but not limited to structures, pools, gazebos, onsite private sewage systems, etc ... shall be limited to the building envelope identified in the accepted site plan.
- d. That the Owner acknowledges and agrees to implement all of the recommendations in the EIS "Environmental Impact Statement/or Mr. Shawn Powell- Severance, #2001 Derry Side Road, Pt. of Lot 20, Cone. VII, Beckwith Township, Lanark County" dated February 24, 2015, prepared by Pinegrove Biotechnical.

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

Severed Lands – a 2 acre vacant parcel of land that is wooded. Land is relatively flat. Recommendation – Additional sandy loam fill will be required in the area of the future tile bed.

Retained Lands - A 16.32 hectare parcel of land with an existing house. The house is recently constructed therefore it has a new septic system installed under permit #55728. A raised filter bed was installed however there is sufficient area to replace the existing filter bed with a conventional tile bed in future. Recommendation – Additional sandy loam will be required in the future replacement tile bed.

**Ministry of Natural Resources & Forestry**

Thank you for providing the Ministry of Natural Resources and Forestry (MNRF) an opportunity to review the second addendum to the Environmental Impact Study by Pinegrove Biotechnical dated October 20, 2015 for the consent application B15/1 09 (Shawn Powell and Jennifer Kemp).

It is our understanding that the application is to sever land for a future building lot and to retain land where there is an existing residential dwelling. The severance application identified a provincially significant wetland (PSW) on or within 120 m. Goodwood Marsh Provincially Significant Wetland is on the site. The Provincial Policy Statement, 2014 section 2.1.4 states that development and site alteration shall not be permitted in significant wetlands in Ecoregion 6E (i.e. on the subject). Section 2.1.8 directs that development and site alteration shall not be permitted on lands within 120 metres of provincially significant wetlands 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.

**Natural heritage features**

The responsibility for identifying the significance of woodlands and wildlife habitat lies with the approval authority. Planning authorities identify such woodlands or approve the work of others using criteria in the Natural Heritage Reference Manual. Planning authorities identify significant wildlife habitat or approve the work of others using criteria and processes in the Significant Wildlife Habitat Technical Guide.

The MNRF provides natural resource data and technical guidance to approval authorities when requested. In reviewing an EIS for a Planning Act application, the

MNRF does not provide a planning opinion on behalf of the province. If an approval authority is interested in a planning opinion from the province, it must be requested through the provincial protocol for One-Window Plan Input & Review to the Ministry of Municipal Affairs and Housing (MMAH). MMAH has the lead responsibility for co-ordinating the provincial position on any application for approval under the Planning Act. MNRF provides technical advice and expertise to MMAH, when requested. If the approval authority wishes to seek technical advice from MNRF as part of their review of an EIS, a formal request to MMAH is required.

#### Species at risk (SAR)

Blanding's Turtle surveys are not required as there is no open water for basking on the property and the MNRF survey protocol targets basking turtles. The second addendum asserts that the potential for turtles to use the property as habitat is low, given the dense cedar swamp between the site and the wetland. While the consent activity itself will have no impacts on species at risk, the subsequent permissible development on the new lot may impact species at risk or their habitat. The MNRF recommends that at the time of construction on the site, all workers be made familiar with how to identify Snapping Turtles, Painted Turtles, and Blanding's Turtles and be made aware how to appropriately respond to these species. If Blanding's Turtles are found on site, they should not be harmed or harassed and the observation should be reported to the MNRF. If other species at risk are observed during construction activities, any work that may harm or harass those species should cease and the MNRF Kemptville District should be contacted to ensure the work does not contravene the Endangered Species Act.

#### Mitigation recommendations

One of the mitigation measures recommended in the second addendum is no surface disturbance on the subject lands prior to the hatching and fledging time of common forest species. The MNRF recommends no vegetation removal during the breeding bird season from May 15 to July 31. Note that if migratory birds species are present, the Environment Canada breeding bird window for species protected under the Migratory Birds Act is from April 15 to August 15.

Please let me know if you have any questions or would like to discuss further.

#### **County Public Works**

- 1/ Applicant has an approved existing entrance to the County Road for the retained lands. #2393
- 2/ Applicant has an approved entrance lots to the County Road for the severed lands. #2534.
- 3/ Complete application to be submitted and entrance installed prior to deed endorsement.
- 4/ Standards conditions for road widening, road closing, approvals and documentation to apply.

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

#### **Bell Canada R-O-W** –

Subsequent to review by our local Engineering Department of the above noted lands to be severed, it has been determined that Bell Canada has no installations

over these lands and therefore no requirement for easement protection.  
We have no concerns or objection to the proposed severance.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.88-ha residential building lot and retain a 16.32-ha landholding with an existing dwelling located at 2001 Derry Side Road.

One previous consent was taken from the landholding under application B12/005. The subject lands are located in an area characterized by typical urban residential. The lands are accessed via Derry Sideroad, a County maintained road.

Soils Inventory – Farmington

Bedrock Inventory – Dolostone, sandstone.

Section 4.5.2(iii) of the Township's Official Plan states that the approval of any consent applications within the Special Service Area with include a condition that the applicant with enter into a development agreement with the Township to participate within the water monitoring program.

Environmental Impact Statement

Due to the designation of the lands in the Official Plan as being PSW the applicant was required to undertake an EIS. This EIS was reviewed by the RVCA and MNRF. The EIS and RVCA outlined a number of constraints to development, due to the wetland area adjacent to the building envelope, however mitigation measures if implemented will allow the development to proceed.

Endangered Species

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

Official Plan Policies

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

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



2. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

3. Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover.

Woodland Development Policies has been established by the Township of Beckwith.

#### Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed lot meets the minimum lot frontage and size. Any new development will be required to meet the minimum setback requirements of the Zoning By-law. Additional development constraints and mitigation measures will be required and can be implemented through either a Site Plan Agreement or Development Agreement.

#### Conclusion

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

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

There were no objections raised by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the

County Official Plan and Official Plan for the Township of Beckwith and could be given favourable consideration.

(e) **MINUTES – March 14, 2016**

Shawn Powell, owner attended the hearing and gave evidence under oath.

Mr. Powell advised that the elevations that were used by the Conservation Authority were extrapolated from the detailed information on the subdivision located north of the site. His surveyor had obtained elevation details that indicated that approximately 50% of the lot was above 131.7 metres geodetic. This information was provided to the Township and it was agreed that the siting of a residential dwelling could be accomplished through the use of a Site Plan Agreement using this updated elevation information.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. That the applicant enter into a Site Plan Agreement with the Township of Beckwith, to be registered on title. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of January 12, 2016 and January 21, 2016, the EIS prepared by Pinegrove Biotechnical dated February 24, 2015 and October 20, 2015, and the MNRF letter of December 9, 2015 provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.
4. That the applicant enter into a "Development Agreement" with the Township of Beckwith confirming participation in the water monitoring program, as set out in the Township's Official Plan Section 4.5.(iii).
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.

6. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall submit a full entrance application to the County of Lanark Public Works Department and install the entrance as required in the permit.
8. Road Widening: Sufficient lands shall be deeded to "The Corporation of the County of Lanark" along the frontage of the lot to be severed to meet the municipality's road widening requirements, at no cost to the County. Sufficient lands may be required across the frontage of the retained lands to meet the municipality's road widening requirements, and in these cases, the applicant shall enter into a land purchase agreement with the County.
9. The County of Lanark Director of Public Works shall be consulted prior to commencing a survey to determine the amount of road widening required.
10. If land is required, "In Preparation" Transfer documents are to be submitted to the Business Manager, Lanark County Public Works Department for review and approval prior to registration, accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title.
11. Road Closing: If a former road is determined to be meandering through the severed lot, the applicant shall be required to identify the former road on the reference plan and enter into an agreement with the "The Corporation of the County of Lanark" (or the Township of Beckwith), if it is determined that the former road was owned by the municipality) for the purposes of completing a road closing and transfer of the identified former road property.
12. Approvals & Documentation: The reference plan must be approved by the Lanark County Public Works Department prior to registration if either road widening or road closing is applicable. In all cases, even if there is no road widening or closing, following registration of the reference plan, one paper copy shall be provided to the County of Lanark Public Works Department, together with a copy of the parcel register for the "PIN" that is the county road, parallel to the frontage of the lands to be severed.
13. A letter shall be received from the County of Lanark Public Works Department stating that condition #7 through #12 has been fulfilled to their satisfaction.
14. A letter shall be received from the Township of Beckwith stating that condition #3 through #6 (and #11, if required) has been fulfilled to their satisfaction.

**NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed are on the severed lands and I the future replacement tile bed area on the retained lands.*
2. *It is recommended that the applicant review available water well records of adjacent lands to determine that there is adequate potable water for a residential dwelling.*

3. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
4. *The Rideau Valley Conservation Authority advises that the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands are within the RVCA's regulatory jurisdiction. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:*
  - *Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
  - *Any development within the Goodwood Marsh Provincially Significant Wetland and its 120 metre adjacent lands requires the prior written approval of the Conservation Authority. Development in the wetland is not permitted.*

5. *Source Water Protection*

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

6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*

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

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

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

*technical advice and to discuss what activities can occur without contravention of the Act. If an activity is proposed that will contravene the Act, the developer must contact the MNRF to discuss the potential for application of certain permits or agreement.*



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Ewen and Carol Ferguson

**Hearing Date:** March 14, 2016

**Agent:** Ralph Shaw

**LDC File #:** B15/125

**Municipality:** Township of Beckwith

**Geographic Township:** N/A

**Lot:** 19

**Conc.:** 9

**Roll No.:** 0924 000 035 26400

**Consent Type:** New Lot

**Purpose and Effect:** To sever a 1.95-ha residential lot with an existing dwelling located at 1048 9<sup>th</sup> Line Beckwith and to retain a 44.61-ha vacant agricultural landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Residential	Agricultural
<b>Proposed Use</b>	Residential	Agricultural
<b>Area</b>	1.95 ha	44.61 ha
<b>Frontage</b>	65 m	248 m
<b>Depth</b>	300 m	175 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	Private Well	Proposed Well
<b>Sewage Disposal</b>	Private Septic	Proposed Septic
<b>Zoning By-law Category</b>	Agriculture	Agriculture & Floodplain
<b>-Area (minimum)</b>	39.0-ha	39.0-ha
<b>-Compliance?</b>	No	Yes
<b>-Frontage (minimum)</b>	60 m	60 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Agricultural and Wetlands

**Conformity:** Yes

#### (a) APPLICATION REVIEW

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

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

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

Section 1.1.4 Rural areas are important to the economic success of the Province and our quality of life. Rural Areas are a system of lands that may include rural

settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas.

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

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

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

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

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

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

### **2.1 Natural Heritage**

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

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

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

### **2.3 Agriculture**

Section 2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operations as a result of farm consolidation (subject to conditions); and
- c) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

### **3.1 Natural Hazards**

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

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

**County Official Plan** – Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 6 Agricultural Resources, Section 8.2.2 Consents.

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

**Local Official Plan** - Section 4 General Development Policies, Section 6.1 Agriculture Policies, Section 7.3 Local Roads, Section 9.6 Subdivision of Land. The Township of Beckwith advises that the proposal conforms to the designations and policies of the Official Plan, provided the applicant demonstrates that the proposed severance is a result of farm consolidation.

**Zoning By-law** - Section 3 General Provisions, Section 10 Agriculture. The Township of Beckwith advises that the severed and retained will require re-zoning to ensure that the retained lands will remain as agriculture only (no development) and the recognized the non-conforming lot size of the proposed severed lands.

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

**EXECUTIVE SUMMARY**

The applicant proposes to sever the existing dwelling and outbuilding off of the agricultural lands. The applicant proposes that this qualifies under the surplus dwelling policy in the official plan. Staff recommends receiving some sort of documentation that demonstrate the dwelling is surplus. A zoning by-law amendment will be required to prohibit dwellings on the retained lands and to allow a new agricultural parcel with 1.95 Ha rather than the required 39 Ha.

**DESCRIPTION OF APPLICATION**

The applicant proposes to sever the existing dwelling and outbuilding off of the agricultural lands. The proposed severance would be approximately 5 acres with 65m frontage on 9th Line.

**DESCRIPTION OF SUBJECT LANDS**

The subject lands are partially cleared for agricultural uses while the remainder of the land remains in a natural and forested state. The lands currently contain a dwelling and small out building towards the southern end of the parcel. The southeast portion of the lands is affected by the flood plain of the Jock River and is within 120m of Provincially Significant Wetlands.

**PROVINCIAL POLICY STATEMENT**

1.6 provides direction on infrastructure. Given the severance already contains a dwelling and no development would be permitted on the retained lands, there will be no need to install an additional septic system. The proposal will generate no traffic as vacant agricultural land.



2.1 regards natural heritage features. The subject lands are within 120m of provincially significant wetlands and contain a portion of the Jock River. No additional development is proposed as part of this proposal so there should not be any impacts on either of these features.

2.3.4.1 allows lot creation within prime agricultural areas as a result of farm consolidation provided that the severance is the minimum size, no future dwelling is constructed on the retained lands. Staff recommends that the applicant demonstrate how the proposed severance is a result of farm consolidation.

#### OFFICIAL PLAN

Section 6.1 of the Township's Official Plan provides agricultural policies. Section 6.1.7 regards farm related severances and permits an existing residence to be severed from the surrounding agricultural lands, if the dwelling has been rendered surplus as a result of farm consolidation. The remaining farm lands can only be used for agricultural purposes and cannot be developed with a dwelling in the future. The applicant should provide confirmation that the severance is required as a result of farm consolidation.

There does not appear to be any livestock barns on the subject lands that would require an MDS calculation. There are livestock barns on the adjacent lands, but as the dwelling is existing, there is no need to complete an MDS calculation.

A portion of the proposed severance would be within the Flood Plain and is within 120m of provincially significant wetlands. RVCA and MVCA have both reviewed the proposal and have no concerns provided that residential development is prohibited on the retained lands in the future. The conservation authorities recommend that a future entrance to the retained lands comes off of the 9th Line to preserve wetland habitat towards the north of the parcel.

The subject lands are located within the Special Service Area, but as the retained lands would not be permitted to construct a new dwelling, there should not be any impact on the condition of the plume or require any new participants within the water monitoring program.

#### ZONING BY-LAW

The subject lands are zoned Agriculture by the Township's Zoning By-law No. 91-14. This zone requires a minimum lot size of 39 hectares with 60m of frontage. The proposal is to create a new agricultural parcel of 1.95 Ha with 65m frontage. The proposed severance is required to be as small as possible, which conflicts with the large minimum lot size required by the zone. A zoning by-law amendment will be required to allow the reduced lot size.

#### COMMENTS

RVCA has reviewed the proposal and has comments but no objection.

#### OPTIONS / ANALYSIS

The proposed severance appears to conform to the Township's Official Plan and Zoning By-law requirements for the creation of a new lot. It is acknowledged that the proposed severance is much larger than a typical severance. It is presumed that the retained lands may be sold in the future for residential development given the amount of development that has occurred in the surrounding area. It is future presumed that the larger size of the severance (13.6 acres) would allow a small

hobby farm to continue operating in the future. The larger severance size also would preserve the agricultural buildings on one parcel of land, which may help to preserve the rural character of the area in the future.

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

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith;
2. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application;
3. The applicant confirms with the Township's Public Works Superintendent that an entrance to the retained lands will be viable.
4. That the applicant submits a zoning by-law amendment to ensure that the retained lands will only be used for agricultural uses in the future. The zoning by-law amendment will ensure that no residential or accessory residential uses will be permitted on the retained lands. The zoning by-law amendment will also rezone the severed lands to reduce the minimum lot size down from 39 hectares to 1.95 hectares.

Notes: That all buildings and structures must be constructed in accordance with the Ontario Building Code and all other municipal by-laws.

**Conservation Authority** – Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority and the Mississippi Valley Conservation Authority have undertaken a review of this application within the context of Sections 2.1 Natural Heritage, 2.2 and 3.1 Natural Hazards of the Provincial Policy Statement issued under Section 3 of the Planning Act, and from the perspective of the Conservation Authority regulations, The subject site is within both the watershed of the Rideau Valley Conservation Authority and the Mississippi Valley Conservation Authority,

**PROPOSAL**

The proposal is to sever a 19,500 square metre residential lot from the existing parcel. It is our understanding through discussions with the Township, that this application would meet their Official Plan policies for a surplus farm severance and will proceed on that basis.

**PROPERTY CHARACTERISTICS**

**Severed Parcel**

The severed parcel is developed with a residence.

**Retained Parcel**

Majority of the southern portion of the property is cleared and being used as agricultural lands save and except a small portion of un evaluated wetlands directly adjacent the Jock River. The northern portion of the parcel is predominantly wetland, adjacent to St. Fillan's Road. The retained parcel is vacant.

**REVIEW**

**Natural Hazards - Flood Plain**

In the early 90's some floodplain estimates were done for the Jock River during the

approval process of the adjacent subdivision to the east. A flood elevation estimate of 131.3 metres geodetic was made at that time and is the best available information to date that can be used for this property.

#### Severed Parcel

Based on contour information for this area, the front half of the severed parcel including the driveway may be lower than an elevation of 131.3 metre geodetic. Therefore the front half of the severed parcel may be subject to flooding. However the existing residence on the severed parcel appears to be above the 1:100 year floodplain estimate based on the contour mapping. There is no new anticipated impact on the floodplain as a result of this application since the principle of development has already been established.

However any future purchaser should be made aware that portions of the property may be subject to flooding and that safe access may not be available to and from the property in a 1;100 year flood event.

#### Retained Parcel

Based on contour information, the portion of the retained parcel fronting 9th Line may be lower than an elevation of 131.3 metres geodetic. Therefore portions of this property may be subject to flooding in a 1;100 year flood event. It is our understanding that this application would qualify for a surplus farm severance in accordance with the Township's Official Plan policies. In accordance with the Township's Official Plan policy it requires that new residential dwellings on the vacant remnant parcels to be prohibited. Therefore it is our assumption that as a condition of approval, the retained parcel will be re-zoned to prohibit residential uses in accordance with the Official Plan.

#### Natural Heritage

##### Severed Parcel

There have been no natural Heritage Features identified on the severed parcel which would preclude this application.

##### Jock River

The Jock River is located on the south-east corner of the retained parcel. The applicant is reminded that in accordance with the Township's Official Plan and Zoning By-law, a minimum setback of 30 metres from the Jock River is required for any future development (including septic systems).

##### Goodwood Marsh Provincially Significant Wetland

The southern portion of the severed and retained parcel is within the 120 metre adjacent lands of the Goodwood Marsh Provincially Significant Wetland. Given that the subject property is separated from the wetland by 9th Line, there is no anticipated impact on the wetland as a result of this application.

##### McRae Ferguson Municipal Drain / Unevaluated Wetland

The McRae Ferguson Municipal Drain flows through the wetland identified in the northern portion of the retained parcel. This drain flows into a tributary of the Mississippi River. Although not confirmed, it likely supports seasonal fish habitat. The applicant is advised that future development, including the installation of an onsite private sewage system requires a minimum setback of 30 metres from the municipal drain and unevaluated (unclassified wetland). We recognize that these

wetlands have not been evaluated by the Ministry of Natural Resources and Forestry; therefore, they are not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation. These benefits include: attenuation of flood water; serving as groundwater recharge/discharge area and providing a more stable source of water during low water conditions; and providing habitat to many species of flora and fauna (often including fish). They may also provide connectivity and function to Natural Heritage Systems, as defined in the PPS (2014).

Given the predominance of wetland in the northern portion of the site, adjacent St. Fillan's Road, access to the retained lands shall be obtained off 9th Line. The vegetation surrounding the wetlands shall be retained to a minimum depth of 15 m. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetlands, municipal drain or onto adjacent properties. In addition, future development shall be directed away from wetland areas containing organic soils.

#### Conservation Authority Regulation

For the applicant's information the Jock River is subject to Ontario Regulation 174/06 as administered by the Rideau Valley Conservation Authority while the McRae Ferguson Municipal Drain is subject to Ontario Regulation 153/06 as administered by the Mississippi Valley Conservation Authority. These regulations affect the retained lands in the following manner:

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

#### CONCLUSION

In conclusion, the Rideau Valley Conservation Authority and the Mississippi Valley Conservation Authority have no objection to this consent application provided that the retained vacant lands are rezoned to prohibit residential use as per the Township's Official Plan policies for surplus farm severances and access to the retained parcel is limited to 9th Line Road. Portions of the property are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration.

Please forward notice of the decision on this application to the office of the Rideau Valley Conservation Authority.

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

Severed Lands – 1 4.8 acre parcel of land with an existing brick house and shed on parcel. The house is serviced by a well and septic system. Land surrounding house and out toward roadway is grass and field. Recommendation – Additional sandy loam fill will be required in area of future replacement leaching bed.

Retained Lands – a large parcel of land which is situated between St. Fillan's Road and 9<sup>th</sup> Concession. This parcel of land has a portion of land which the Jock River runs through it. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

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

**Bell Canada R-O-W** – Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objection to the proposed application for consent.

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 1.95-ha residential lot with an existing dwelling and small storage building and retain a 44.61-ha agricultural landholding.

The subject lands are located westerly of the Cemetery Sideroad settlement area and northerly of the Goodwood Marsh PSW. The lands to the west and north are agricultural lands on large landholdings.

The lands are accessed via 9<sup>th</sup> Line Beckwith, a municipally maintained road.

Soils Inventory – Name: Tennyson

- Stoniness: slightly stony
- CLI: 2 – moderate limitations
- Drainage: well drained
- Hydrogeology: moderate

Bedrock Inventory – dolostone, sandstone

**Agricultural Operations**

The applicant has not indicated that a livestock facility is located on the lands to be severed. If a new facility were to be constructed on the retained lands, then an MDS calculation would be required from the existing dwelling on the severed lands as well as from the residential dwellings within the subdivision located to the east. Section 6.1 of the Beckwith Official Plan outlines agricultural policies. Section 6.1.7 outlines states that farm related severances and permits an existing residence to be severed from the surrounding agricultural lands, if the dwelling has been rendered surplus as a result of farm consolidation. The agent for the Ferguson's has advised that "*Wesrus Farm Ltd. (Craig family) have been farming the land since 1986. We are in negotiations for them to purchase the land but the deal isn't finalized at this point – they will continue to be the operator for 2016.*"

**Source Water Protection**

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

**Endangered Species**

With the new Endangered Species Act (ESA 2007) in effect, it is important to understand which species and habitats exist in the area and the implications of

legislation. A review of the Natural Heritage Information Centre (NHIC) records did not indicate that there is a potential for the Threatened (THR) and/or Endangered (END) species on the site or in proximity to it.

#### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.  
Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.
3. Woodlands  
Only the northerly section of the retained lands have been mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Beckwith.

#### Zoning

The subject property is currently within the agriculture section of the Zoning By-law, which permits a number of agricultural uses on 39.0-ha lot sizes, and only permits a single family lot on land that have been rendered surplus as a result of farm consolidation. Rezoning is required to: ensure the retained lands are for agricultural purposes only (no residential dwelling) and to reduce the minimum lot size of the severed lands from 39.0-ha to 1.95-ha.

#### Conclusion

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

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

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

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

**(e) MINUTES – March 14, 2016**

Ralph Shaw, agent attended the hearing and gave evidence under oath.

Mr. Shaw advised that the current farmer, who has been leasing the retained lands for a number of years, is in negotiations with the Ferguson's to purchase these lands for agricultural purpose.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

5. The lot to be severed shall be rezoned to reduce the minimum lot size from 39.0-ha to 1.95-ha. The applicant shall consult directly with the Township of Beckwith in this regard.
6. The lot to be retained shall be rezoned to prevent any residential or accessory residential uses. The applicant shall consult directly with the Township of Beckwith in this regard.
7. The applicant shall confirm that an entrance to the retained lands is viable. The applicant shall consult directly with the Township of Beckwith in this regard.
8. A letter shall be received from the Township of Beckwith stating that condition #3 through #7 has been fulfilled to their satisfaction.

**NOTES**

1. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the future replacement tile bed system on the severed lands.*
3. *The Rideau Valley Conservation Authority advises that the Jock River is subject to Ontario Regulation 174/06 as administered by the Rideau Valley Conservation Authority while the McRae Ferguson Municipal Drain is subject to Ontario Regulation 153/06 as administered by the Mississippi Valley Conservation Authority. These regulations affect the retained lands in the following manner:  
-Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the appropriate Conservation Authority.*
4. Source Water Protection  
*The applicant is advised that the severed and retained parcels are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: [www.mrsourcewater.ca](http://www.mrsourcewater.ca).*
5. Endangered Species Act, 2007, and Species at Risk in Ontario Background  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.  
  
*It is important to be aware that changes may occur in both species and habitat protection. The ESA applies to listed species on the Species at Risk in Ontario List**



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

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



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** George Gardiner

**Hearing Date:** March 14, 2016

**Applicant:** Coralie Gardiner

**LDC File #:** B15/131

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

**Lot:** 7/8

**Conc.:** 9

**Roll No.:** 0924 000 035 15200

**Consent Type:** New lot

**Purpose and Effect:**

To sever a 5.5-ha residential lot with an existing farmhouse, barns and storage sheds located at 2436 Beckwith 9<sup>th</sup> Line and retain a 57.8-ha vacant landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Residential	Vacant
<b>Proposed Use</b>	Residential	Vacant
<b>Area</b>	5.5-ha	57.8-ha
<b>Frontage</b>	65 m	471 m
<b>Depth</b>	353 m	1368 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Private Well	None
<b>Sewage Disposal</b>	Septic System	None
<b>Zoning By-law Category</b>	Rural	Rural, wetlands, flood plain
<b>-Area (minimum)</b>	0.4-ha	0.4-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	45 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Rural, Wetlands and Flood Plain

**Conformity:** Yes

**(a) APPLICATION REVIEW**

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

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

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

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

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

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

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

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

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

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

### **2.1 Natural Heritage**

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

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

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

### **2.2 Water**

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

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

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

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

Section 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed

development and site alteration has been evaluate and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

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

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

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

**Local Official Plan** - Section 4 General Development Policies, Section 6.4 Flood Plain, Section 6.5 Rural Land, Section 7.3 Local Roads, Section 9.6 Subdivision of Land.

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

**Zoning By-law** - Section 3 General Provisions, Section 11 Rural Zone, Section 12, Flood Plain Zone, Section 13 Wetlands Zone.

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report**

**EXECUTIVE SUMMARY**

The applicant proposes to sever the existing dwelling and agricultural buildings from the surrounding farmland. The lands are designed Rural rather than Agricultural and qualify to provide a severance. As the barn and the existing dwelling will remain on a single parcel of land, there are no MDS concerns as the retained lands will have a building envelope beyond the required setback. MVCA has no objections to the proposed severance but has made recommendations to guide future development on the retained lands. Staff has recommended the standard conditions to support the severance.

**DESCRIPTION OF APPLICATION**

The applicant proposes to sever approximately 13.6 acres from the surrounding farm lands. The proposed severance would include the existing dwelling and barns from the surrounding lands.

**DESCRIPTION OF SUBJECT LANDS**

The subject lands have been used for agricultural purposes for an extended period of time. Two severances appear to have been taken off of the subject lands (2010 and early 1970's?). Most of the western portion of the property forms the 'Gardiner Shore' subdivision, which was initially developed as cottages but has now transitioned into a community of year-round residential dwellings. The subject lands contain several agricultural buildings and are currently used to house beef

cattle. The applicant indicates that the maximum housing capacity would be approximately 100.

#### PROVINCIAL POLICY STATEMENT

1.1.5 regards rural lands in municipalities. These policies indicate that limited rural development can occur and should be capable of being supported by service levels available in the rural area. These policies also indicate that the development should respect the natural environment and any hazards that may exist.

1.6 provides direction on infrastructure. Development is to be financially and environmentally sustainable over the long-term. Given that the proposed severance is located on one of the major roads within the Township, there will be no additional cost to the Township. The Health Unit will review the application and comment on the suitability of the retained lands to provide a septic system; given the size of the parcel, no concerns are expected.

2.1 regards natural heritage features. The subject lands are largely cleared agricultural fields, however a portion of the retained lands is designed as locally significant wetlands with frontage onto the Mississippi Lake. No development has been proposed for the retained lands at this time. Future development on the retained lands would have a sufficient building envelope beyond these features. If a plan of subdivision were to be proposed, the applicant would be required to submit an environmental impact statement which would future address natural features.

2.3 regards agricultural use and prohibit residential lot creation within prime agricultural area or within the required MDS setback. The subject lands are not considered to be prime and therefore can qualify to provide a severance. The existing barn and existing dwelling are being severed together, which does not create a land use conflict or trigger an MDS setback. Given the size of the retained lands it is clear that a building envelope will exist beyond the future MDS setback.

Overall, Staff feels that the proposed severance conforms to the overall intent of the PPS 2014.

#### OFFICIAL PLAN

Section 4.5 of the Official Plan provides direction on land division. These policies outline when a property qualifies to provide a severance and the parameters that the severance must meet. The subject lands appear to have been severed twice in the past, which would permit at least one remaining severance; the plan of subdivision that created the 90 lots in Gardiner Shore subdivision is not counted towards the maximum severances. New severances are required to conform to MDS setbacks as outlined by OMAFRA. Given that the barns are being severed together with the proposed severance, there are no MDS concerns as it is clear that the retained lands will have a suitable building envelope (size of the parcel but also the number of intervening uses within the Gardiner Shore subdivision). The subject lands contain a portion of locally significant wetlands, but the proposed severance does not enter into this area.

#### ZONING BY-LAW

The subject lands are zoned Rural and Wetlands; however the proposed severance is located within the Rural zone. The minimum requirements within this

zone are 45m frontage with a minimum of 2 acres. The proposed severance would provide 65m frontage and would be approximately 13.6 acres. The Township's zoning by-law prohibits the construction of a new dwelling within a required MDS setback. As the proposed severance will keep the existing barns with the existing dwelling, there are no MDS concerns.

#### COMMENTS

MVCA has reviewed the severance application and has no objections. MVCA has made recommendations for future development on the retained lands, which are attached.

#### OPTIONS / ANALYSIS

The proposed severance appears to conform to the Township's Official Plan and Zoning By-law requirements for the creation of a new lot. It is acknowledged that the proposed severance is much larger than a typical severance. It is presumed that the retained lands may be sold in the future for residential development given the amount of development that has occurred in the surrounding area. It is future presumed that the larger size of the severance (13.6 acres) would allow a small hobby farm to continue operating in the future. The larger severance size also would preserve the agricultural buildings on one parcel of land, which may help to preserve the rural character of the area in the future.

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

#### Conditions:

1. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
2. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application.
3. The applicant confirms with the Township's Public Works Superintendent that an entrance to the retained lands will be viable.

#### Notes:

1. That all buildings and structures must be constructed in accordance with the Ontario Building Code and all other municipal by-laws.

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

#### PROPOSAL

It is our understanding that the purpose of the subject application is to sever one

developed lot measuring 5.5 ha, and retain a vacant lot measuring 57.8 ha.

#### PROPERTY CHARACTERISTICS

According to a review of GIS mapping and Drone Imagery, the retained lands have frontage on Mississippi Lake. In addition, a locally significant wetland referred to as the McGibbon Creek Wetland extends into the southwest corner of the retained lands. Mapping also shows that the 1:100 year flood extends to the outer limit of the McGibbon Creek Wetland where it stretches onto the subject retained lands. No significant natural heritage features or natural hazards were identified on the proposed severed lands.

#### REVIEW

##### Natural Heritage Values - Wetland

We understand that the aforementioned wetlands have not been evaluated by the Ministry of Natural Resources; therefore, they are not currently deemed to be a significant natural heritage feature as defined in the Provincial Policy Statement (PPS). However, given the numerous benefits of all wetlands, MVCA strongly encourages their preservation. These benefits include: attenuation of flood water; serving as a groundwater recharge/ discharge area and providing a more stable source of water during low water conditions; filtering our drinking water; and providing habitat to many species of flora and fauna (often including fish). They may also provide connectivity and function to Natural Heritage Systems, as defined in the PPS (2014). This setback appears achievable on the retained lands.

##### Natural Heritage Values - Waterbody

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

##### Natural Hazards

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

#### RECOMMENDATIONS AND CONCLUSIONS

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

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

#### NOTES

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

The applicant should be advised that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to the initiation of any future construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or Regulation Limit of Mississippi Lake and the wetland, or for alterations to the shoreline of the lake.

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

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

**Septic Office** – Leeds Grenville and Lanark District Health Unit  
Severed Lands – A 13.59 acre parcel of land with an existing farmhouse serviced by a well and septic system. There are a number of agricultural buildings on the property. Recommendation – additional sandy loam fill will be required in the area of the future replacement leaching bed.

**Retained Lands** – A large parcel of land that is presently used for agricultural farm land. There are no existing buildings. Recommendation – additional sandy loam fill will be required in the area of the future leaching bed.

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

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

We have no concerns or objection to the proposed severance.

**(c) PUBLIC INPUT**

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

Joanna Luciano – Jan 26, 2016

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

Rod and Bev MacGibbon – Jan 13, 2016

Please be advised that we have no objections to the proposed severance of lands as per the subject File No. . We do wish to be notified of the date, time and location of any public meetings relevant to this application and of the decision of the Land Division Committee in respect to the proposed consent.

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



The applicant proposes to sever a 5.5-ha parcel of land with an existing dwelling, barns and sheds and retain a 57.8-ha vacant landholding that is currently used as pasture.

The subject lands are located in an area characterized by typical smaller type seasonal residential lots along Mississippi Lake, and residential lots, intermixed between larger type lots along 9<sup>th</sup> Line Beckwith. These land lie approx. 600 m west of the settlement area, known as Greater Black's Corners.

The lands are accessed via Beckwith 9<sup>th</sup> Line, a municipally maintained road.

Soils Inventory – Southern portion	Northern portion
Name: Kars	Farmington
- Stoniness: moderately stony	slightly stony
- CLI: 4 – crops only	6 - natural grazing only
- Drainage: well drained	well drained
- Hydrogeology: low run-off	moderate run-off

Bedrock Inventory – dolostone, sandstone

#### Archaeological

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

#### Source Water Protection

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

#### Endangered Species

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

McGibbon Creek Wetland – evaluated wetland

#### Agricultural Operations

An agricultural facility is located on the severed lands, however no MDS was required as there is more than sufficient area on the retained lands to site a dwelling outside the required MDS setback. However, a note should be included to advise that an MDS Calculation will be required prior to the issuance of a building permit for a residential dwelling, or a livestock facility expansion.

#### Official Plan Policies

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

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

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

2. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

Section 4.5.2 (iii) requires new lots created within the special service area to enter into an agreement with the Township acknowledging participation within the Township's water monitoring program.

3. Woodlands

The area has not been mapped as 'woodlands'.

#### Zoning

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

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

#### Conclusion

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

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

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

**(e) MINUTES – March 14, 2016**

George Gardiner, owner and Coralie Gardiner, applicant attended the hearing and gave evidence under oath.

Mr. Gardiner explained that the retained lands are, and have been used for intensive cattle grazing since the dairy farm closed in 1998. And that the barns still are capable of housing livestock, however there is no plans to do so.

Mr. Gardiner also advised that he was aware that if development were to occur on the retained lands that they would be subject to the MDS calculation or alternatively, that the barns be decommissioned.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
4. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant confirms with the Township's Public Works Superintendent that an entrance to the retained lands will be viable.
6. A letter shall be received from the Township of Beckwith stating that condition #3 through #5 has been fulfilled to their satisfaction.

**NOTES**

1. *The Township of Beckwith advises that all future structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.*
2. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
3. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the future replacement area on the retained lands and in the area of a future leaching bed on the retained lands.*
4. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
5. Source Water Protection  
*The applicant is advised that the severed and retained parcels are within an area called "Significant Groundwater Re-charge Area". These areas contribute to the quantity of groundwater available with the Mississippi-Rideau region. For more information, please visit the Mississippi-Rideau Source Protection Plan at: [www.mrsourcewater.ca](http://www.mrsourcewater.ca) .*
6. *The Mississippi Valley Conservation Authority recommends that the following be implemented on the proposed retained lands:*
  - a. *Future development, including a septic system shall be setback a minimum of 30 m from Mississippi Lake and the wetland.*
  - b. *The shoreline vegetation surrounding the lake and wetland shall be retained to a minimum depth of 15 m.*
  - c. *Natural drainage patterns on the site shall not be substantially altered, such that additional run –off is directed into the wetland, lake or onto adjacent properties.*
  - d. *Future development shall be directed away from wetland areas consisting of organic soils.*
  - e. *The wetland shall remain undisturbed.*
7. *The MVCA also advise that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", a permit is required from MVCA prior to the initiation of any future construction or filling activity (which includes excavations, stockpiling and site grading) within the flood plain or Regulation Limit of Mississippi Lake and the wetland, or for alterations to the shoreline of the lake.*
8. *Consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca is required prior to conducting any work within the wetland or lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*

9. Endangered Species Act, 2007, and Species at Risk in Ontario Background

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

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

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



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** 8907501 Canada Inc.

**Hearing Date:** March 14, 2016

**Applicant:** 8907501

**LDC File #:** B15/150

**Municipality:** Township of Montague

**Geographic Township:** Montague

**Lot:** 13, 14, 16 & 17

**Plan** 1184

**Roll No.:** 0901 000 035 07801

**Consent Type:** Lot Addition

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

To sever a 2,006 sq.m. parcel of land as a lot addition to lands owned by 2207124 Ontario Ltd., at 37 Rideau Ave N and to retain a 14.9-ha vacant landholding. The lands are to make available, additional parking for the mechanic shop and car dealership (Derbyshire Automotive).

<b>DETAILS OF PROPOSAL</b>	<b>Lands to be Severed</b>	<b>Lands Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Parking lot	Vacant
<b>Area</b>	2,006 sq.m.	14.893-ha
<b>Frontage</b>	30.48 m	296.42 m
<b>Depth</b>	52.43 m	304.88 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	None	None
<b>Sewage Disposal</b>	None	None
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area (minimum)</b>	n/a – lot addition	0.4-ha
<b>-Compliance?</b>		Yes
<b>-Frontage (minimum)</b>		46 m
<b>-Compliance?</b>		Yes

**Official Plan Designation:** Rural, Woodlands, Organic Soils

**Conformity:** Yes

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

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

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

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

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

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

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

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

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

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

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

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

### **2.1 Natural Heritage**

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

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

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

### **3.1 Natural Hazards**

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

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

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

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

**Local Official Plan** – Section 2 General Development Policies, Section 2.15 Existing Undersized Lots, Section 3.7 Settlement Area, Section 4.4 Township Roads, section 5.2 Land Division.

The Township of Montague advises that the proposals comply with the designations and policies of the Official Plan.

**Zoning By-law** – Section 3 – General Provisions, Section 7.1 General Industrial, Section 11 Rural.

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report -**

Thank you for circulating the Township of Montague on this consent application. Staff understand that the purpose of the application is allow the severance of a 2 ha (5 acre) portion of a 16.9 ha (42 acre) lot owned by 8907501 Canada Inc. as a lot addition to an adjacent 0.3 ha (0.7 acre) industrial lot owned by 2207124 Ontario Ltd. The portion to be severed is undeveloped and would be used as a parking lot for the adjacent auto sales and service shop. The application would not create a new lot. The lots all front on Rideau Street, which is a municipally owned road forming the boundary between the Township and the Town of Smiths Falls. The applicants have also submitted new severance applications for a different portion of their lot, however those will be evaluated in a different report.

The severed lands, retained area and lot to be enlarged are all designated Rural according to the Township's Official Plan although significant woodland and organic soil constraints have been identified on the retained lands and organic soils only on the severed and enlarged parcels. Organic soils are considered to be a natural hazard to development pursuant to provincial and municipal policy and development should either avoid the hazard or be evaluated and the hazard mitigated. In this case, the land to be enlarged is already developed however the consent application would effectively enable an expansion of the industrial land use. The applicant has submitted a report from an engineer advising of the suitability of the site based on the ground water and soil conditions and advises that the site conditions appear to be suitable for structural development provided that certain best practices are implemented. This can be addressed in any future building permit and staff suggest that the report be made available to the purchaser of the property. Staff have not identified any other land use planning considerations pursuant to the Township's Official Plan that would affect the application as submitted.

In terms of zoning, the severed and retained lands are zoned Rural according to the Township's Zoning By-law and the lands to be enlarged are zoned General Industrial. The industrial lot is presently undersized and this application would bring its size into compliance with the minimum lot size requirements. As this application is intended in order to allow the expansion of a parking area for the adjacent business, it is the staff recommendation that as a condition of consent approval the zoning of the severed lands be changed to match the industrial zoning of the lands



to be enlarged.

In consideration of the foregoing, Montague Township does not object to the above application provided that the proposed conditions described below are fulfilled.

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

- 1) The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2) The Applicant shall provide the Township with a registered copy of all reference plans associated with this application in both hard copy and electronic format.
- 3) The severed lands shall be for lot additions only to adjacent lands as identified in the Applications.
- 4) The severed lands shall be rezoned to a zoning category that correctly incorporates the intended land use of the severed lands in relation to the lands to be enlarged. The applicant shall consult directly with the Township in this regard.
- 5) The Applicant acknowledges that the severed lands are in an area identified as potentially containing organic soils, which are a natural constraint to development. The applicant acknowledges that any future development may need to be investigated and supported within this context.

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

**CP Rail** – No comments were received.

**Bell Canada R-O-W**

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

**(c) PUBLIC INPUT**

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

**(d) PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 2,006 sq.m. parcel of land as a lot addition to lands owned by 2207124 Ontario Ltd at 37 Rideau Ave North and to retain a 14.893-ha vacant landholding. The lot to be enlarged is 0.28-ha, the lot addition will increase the lot to 0.48-ha.

The subject lands are located in an area characterized by urban fringe. The Town of Smiths Falls and the CPR Train Yard is located to the immediately west of the lot and settlement areas are located to the north and south (Atironto) of the lands.

The lands are accessed via Rideau Ave n, a municipally maintained road.

**Endangered Species**

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

Endangered (END) species on the site or in proximity to it:

- Butternut (END)
- Gray Ratsnake (THR)

Source Water Protection

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

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

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

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

Consult the municipality or Risk Management Official if:

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

Official Plan Policies

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

the Township of Montague.

Zoning

The subject property is currently zoned Rural Residential which permits a variety of uses however does not permit a 'parking lot'. The lot to be severed will increase the lot to be enlarged so that it meets the minimum lot size requirements of the zoning by-law and will provide for additional parking for the General Industrial use. Re-zoning to include the parking area within General Industrial (MG) zone will be required.

Conclusion

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

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

(e) **MINUTES – March 14, 2016**

Robert Derbyshire and Sherry Derbyshire, purchasers, owner attended the hearing and gave evidence under oath.

Mr. Derbyshire advised that the purpose of the lot addition was to provide additional space for his growing automotive business. And that he is aware that re-zoning will be required to ensure that the additional lands may be used for commercial purposes.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by 2207124

Ontario Ltd. described as Con 4 Pt. Lot 29 Plan 1184 Pt. Park Lot 16 Pt. Park Lot 17, 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”.

4. The Certificate of Consent “Schedule” attached to the deed / transfer required by Condition #1 above, shall include the following condition, “That the severed lands are in an area identified as potentially containing organic soils, which are a natural constraint to development. The landowner acknowledges that any future development may need to be investigated and supported within this context.”
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
6. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide the Township of Montague with a digital copy of the registered reference plan in a .DWG file format.
8. The lot to be severed shall be zoned to an appropriate zoning category for the intended use. The applicant shall consult directly with the Township of Montague in this regard.
9. A letter shall be received from the Township of Montague stating that condition #5 through #8 has been fulfilled to their satisfaction.

#### **NOTES**

1. Source Water Protection

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

2. Endangered Species Act, 2007, and Species at Risk in Ontario Background

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

*migration or feeding.*

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

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



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Thomas and Kathleen Cavanagh      **Hearing Date:** March 14, 2016  
**Agent:** Benjamin Hagen      **LDC File #:** B15/151  
**Municipality:** Township of Beckwith  
**Geographic Township:** Beckwith      **Lot:** 26/27      **Conc.:** 11  
**Roll No.:** 0924 000 030 18400      **Consent Type:** easement

**Purpose and Effect:** To create an easement through Lot 26 Conc. 11 Beckwith to install and service underground fibre optic cable.

**Official Plan Designation:** Rural

**Conformity:** Yes

#### (a) APPLICATION REVIEW

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

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

Section 1.1.1.g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems and public service facilities are or will be available to meet current and projected needs.

**County Official Plan** – Section 3.0 Rural Policies, section 4.7 Utility and Communication Facilities Corridors, Section 8.2.2 Consents.

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

**Local Official Plan** - Section 4.16 Public Uses and Utilities, Section 4.5 Division of Land, Section 6.3 Highway 7 Corridor, Section 9.6 Subdivision of Land.

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

**Zoning By-law** –Section 3 General Provisions, Section 11 Rural Zone, Section 14 Mineral Aggregate Zones.

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

**(b) AGENCY REVIEW**

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

**Township Planner's Report****EXECUTIVE SUMMARY**

The applicant proposes to create a long-term easement in favour of Bell Canada. The proposed easement would extend along the western boundary of the lands and extend from Cavanagh Road to Douglas Side Road. The agent for the application indicates that the easement will facilitate better Bell Canada services for the surrounding area. Staff does not have any concerns with the proposed easement.

**DESCRIPTION OF PROPOSAL**

The applicant proposes to create a long-term easement in favour of Bell Canada along the western boundary of the subject lands.

**DESCRIPTION OF SUBJECT LANDS**

The subject lands are partially developed as an industrial park while the remaining portion of the lands are vacant.

**PROVINCIAL POLICY STATEMENT****OFFICIAL PLAN**

While this is a consent application, the proposal does not change the legal boundary of a property and does not create a new parcel within the Township. The Township's land division policies allow severances for legal and technical purposes, with one of the examples being the creation of an easement.

**ZONING BY-LAW**

The subject lands are zoned Industrial park. The proposed easement is located along the boundary of the size and does not appear to impact the future development potential of the lands. The agent for the application indicates that the easement will facilitate better service from Bell Canada for the surrounding area.

**OPTIONS / ANALYSIS**

Staff has no concerns with the proposed severance application to create a long-term easement.

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

1. That the applicant provide the Township with a paper copy of the survey;
2. That the balance of any outstanding taxes, including penalties and interest (and any local improvement charges, if applicable) shall be paid to the Township.

**(c) PUBLIC INPUT**

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

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

The applicant proposes to create and easement through Lot 26 Conc. 11 to install and service underground fibre optic cable. No new lot will be created.

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. Generally, the consent process will be used for the purpose of creating a maximum of 3 consents, excluding the retained lot if the area of an original Township lot is 40-ha or greater; or 2 consents, excluding the retained lot, may be considered if the area of an original Township lot is from 20-ha up to but not including 40-ha. A number of 'general policies' also apply to the division of land, including: size (0.6-ha in Community Development Area and 0.8-ha in the Rural Lands designation) and setbacks appropriate to zoning designation, reserving, MDS separation, supporting studies as required, road access to maintained infrastructure, no development of land subject to flooding, quantity and quality of groundwater. The lot creation date for Beckwith is July 1973.

**Zoning**

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The proposed easement is not affected by the zoning provisions, other than setbacks for buildings and structures.

**Conclusion**

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

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



given favourable consideration.

(e) **MINUTES – March 14, 2016**

No persons attended the hearing.

Committee reviewed the staff report and draft conditions.

(f) **DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The purpose of the consent is for easement purposes in favour of Bell Canada.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** Aaron Hay

**Hearing Date:** March 14, 2016

**Agent:** Novatech (Steve Pentz)

**LDC File #:** B15/154

**Municipality:** Township of Beckwith

**Geographic Township:** Beckwith

**Lot:** 8

**Conc.:** 10

**Roll No.:** 0924 000 035 33250

**Consent Type:** Easement/R-O-W

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

To create an easement / right-of-way to Block 25 of the Lakeside Subdivision in order to provide vehicular access to the Block 25, which will become a private park for the benefit of all lot owners in the Lakeside Subdivision.

**Official Plan Designation:** Rural and Floodplain

**Conformity:** Yes

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

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

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

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

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

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

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

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

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

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 8.2.2 Consents. The proposal conforms to the designations and policies of the Official Plan for the County of Lanark.

**Local Official Plan** - Section 4 General Development Policies, Section 6 Rural Policies, Section 7.3 Local Roads, Section 7.4 Private Roads, Section 9.6 Subdivision of Land. The Township of Beckwith advises that the proposal conforms to the policies of the Official Plan.

**Zoning By-law** – Section 3 General Provisions, Section 5.5 Limited Services Rural, Section 11 Rural. The Township of Beckwith advises that the proposal complies with the zoning by-law regulations.

**(b) AGENCY REVIEW**

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

**Township Planner's Report**

**EXECUTIVE SUMMARY**

The applicant proposes to create a long-term easement across the subject lands to capture the existing laneway that provides access to the existing boat launch. The boat launch will be located on the future block within the Lakeside Subdivision that will be commonly owned and operated as a private park. The laneway that provides access to this boat launch is not within the boundaries of the plan of subdivision application. A long-term easement is required in order to retain the current access to the boat launch. Staff has no concerns with the proposed easement.

**DESCRIPTION OF PROPOSAL**

The applicant proposes to create a long-term easement to provide legal access to an existing boat launch on the lands that will become the privately-owned common park within the Lakeside Subdivision. The boundary of the easement would reflect the existing location of the gravel laneway that connects Lakeside Drive with the boat launch.

**DESCRIPTION OF SUBJECT LANDS**

The subject lands are developed with a dwelling and two laneways that provide access out to Lakeside Drive and adjacent properties.

**PROVINCIAL POLICY STATEMENT**

**OFFICIAL PLAN**

Section 4.5 of the Official Plan regards land division. Technical severances, which include the creation of long-term easements, are permitted within the Township with limited constraints.

**ZONING BY-LAW**

The subject lands are zoned Rural Residential and Flood Plain. The proposed

easement does not conflict with either of these zones. Given that the laneway is existing and is not required to provide access to a dwelling, the threat of flooding is not of great concern because individuals do not need to launch a boat during a flood event.

#### OPTIONS / ANALYSIS

Staff has no concerns with the proposed severance application to create a long-term easement across the subject property in favour of the future commonly owned private park within the Lakeside Subdivision.

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

Conditions:

1. That the applicant provides the Township with a paper copy of the survey;
2. That the balance of any outstanding taxes, including penalties and interest (and any local improvements charges, if applicable) shall be paid to the Township.

#### (c) **PUBLIC INPUT**

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

#### (d) **PLANNING REVIEW**

##### Background and Summary

To create an easement / right-of-way over Block 25 of the Lakeside Subdivision in order to provide vehicular access to the Block 25, which will become a private park for the benefit of all lot owners in the Lakeside Subdivision.

##### Official Plan Policies

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents.  
Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents. Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary. Consideration of location and development criteria by the approval authority shall be based on local Official Plans. In considering a consent, regard shall also be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990* with necessary modifications.
2. Beckwith Official Plan Policies for the Division of Land are found in Section 4.5 of the OP. No new lot is being created. Subsection 5.(e) applies "a consent may be granted for a technical severance – to permit an easement.

##### Zoning

The subject property is currently within the Residential Limited Service Residential Zone. The Zoning By-law, which permits a number of uses, including single-detached dwellings. The provision for an easement is not affected by the zoning by-law.

Conclusion

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

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

**(e) MINUTES – March 14, 2016**

Nina Maher, of Novatech Engineering, agent attended the hearing and gave evidence under oath.

Ms. Maher explained that Lakeside Subdivision has received draft approval and will soon be in a position to obtain final approval. The purpose of the easement is to provide access to Block 25 on the draft plan which it is intended to become a 'Common Elements Condominium' in favour of the new subdivision.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

**DECISION: PROVISIONAL CONSENT IS GRANTED**

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

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The purpose of the consent is to create an easement in favour of Block 25 Draft Plan of Subdivision File No. 09-T-12003, Beckwith Con 10 Pt. Lt 8.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Beckwith.
5. The applicant shall provide the Township of Beckwith with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Beckwith stating that condition #4 and #5 has been fulfilled to their satisfaction.



## LAND DIVISION STAFF REPORT

### APPLICATION FOR CONSENT

**Owner:** 1737814 Ontario Inc.

**Hearing Date:** March 14, 2016

**Agent:** Diana Mayer

**LDC File #:** B16/004

**Municipality:** Mississippi Mills

**Geographic Township:** Ramsay

**Lot:** 10

**Conc.:** 12

**Roll No.:** 0931 929 020 59200

**Consent Type:** New lot

**Purpose and Effect:**

To sever a 2.2-ha residential lot with an existing dwelling, barns and outbuildings located at 355 Old Almonte Road and retain a 40.37-ha agricultural landholding.

DETAILS OF PROPOSAL	Lands to be Severed	Lands Retained
<b>Existing Use</b>	Residential / Farm	Agriculture
<b>Proposed Use</b>	Residential	Agriculture
<b>Area</b>	2.2-ha	40.37-ha
<b>Frontage</b>	191.61 m	531.82 m
<b>Depth</b>	118.19 m	608.28 m
<b>Road - Access to</b>	Municipal	Municipal
<b>Water Supply</b>	Private Well	None
<b>Sewage Disposal</b>	Septic System	None
<b>Zoning By-law Category</b>	Agriculture – non-farm	Agriculture
<b>-Area (minimum)</b>	0.4-ha	40.0-ha
<b>-Compliance?</b>	Yes	Yes
<b>-Frontage (minimum)</b>	45 m	150 m
<b>-Compliance?</b>	Yes	Yes

**Official Plan Designation:** Agriculture

**Conformity:** Yes – surplus dwelling unit

**(a) APPLICATION REVIEW**

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

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

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

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

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

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

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

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

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

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

### **2.1 Natural Heritage**

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

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

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

### **2.2 Water**

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

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

### **2.3 Agriculture**

Section 2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum

size needed to accommodate the use and appropriate sewage and water services;

- c) a residence surplus to a farming operations as a result of farm consolidation (subject to conditions); and
- c) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

**County Official Plan** – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 5.5.8 Surface and Groundwater Protection and Enhancement, Section 5.5.9 Mississippi-Rideau Source Protection Plan, Section 6.1 Agricultural Resources, Section 8.2.2 Consents.

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

**Local Official Plan** – Section 2 Basis of Plan, Section 3.2 Agricultural Policies, Section 3.2.7 Severances and Lot Creation, Section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 4.8.3 Sewage Disposal and Water Supply, Section 5.3.11 Consent to Sever Land.

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

**Zoning By-law** - Section 6 General Provisions, Section 7.1 Agricultural Specific Uses, Section 11 Agricultural Zone.

The Municipality of Mississippi Mills advises that the proposal does not comply with the zoning by-law provisions and that relief will be required to address the number of accessory structures permitted on the lot.

**(b) AGENCY REVIEW**

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

**Municipality's Planning Report -**

**PURPOSE & EFFECT OF APPLICATION**

The applicant has submitted a Consent application to the County of Lanark requesting to sever a ±2.22ha (5.5ac) non-farm residential lot containing a detached dwelling, barn/milking centre, shed and two (2) silos from the subject lands and retain a ±40.37ha (129.48ac) vacant agricultural land holding. The purpose of the application is to sever a parcel containing a residence, barn/milking centre, shed and silos, which have been rendered surplus as a result of consolidation of a cash crop farming operation. The severed and retained parcels would have lot frontages of ±191.61m (628.6ft) and ±531.82m (1,744.8ft) along Old Almonte Road respectively, while the retained parcel would continue to maintain its existing frontage of ±500.08m (1,640.7ft) along Ramsay Concession 12.

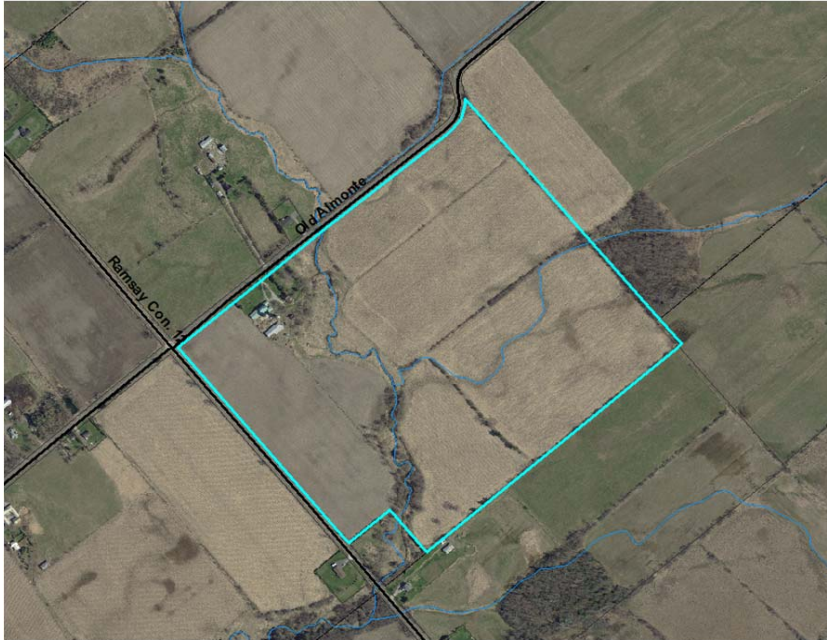
**DESCRIPTION OF PROPERTY & SURROUNDING LAND USES**

The subject property is located at the southeast corner of Old Almonte Road and Ramsay Concession 12, in the Ward of Ramsay. The property is currently ±42.59ha (105.24ac) in size and has a lot frontage of ±723.43m (2,373.46ft) along Old Almonte Road and ±500.08m (1,640.68ft) along Ramsay Concession 12. The property is occupied by a detached dwelling (constructed circa 1907), barn/milking



centre, two (2) silos, shed, grain bin and a few deteriorating outbuildings. The applicant has noted that the grain bin and the deteriorating outbuildings will be removed from the property, resulting in a total of four (4) buildings that would be accessory to the detached dwelling. The surrounding area generally consists of agricultural properties with active farming operations. The location of the subject lands within the Municipality is depicted in the following figure:

Figure 1. Aerial Photo (2014)



#### SERVICING & INFRASTRUCTURE

The property is serviced by private well and septic services and fronts onto Ramsay Concession 12 and Old Almonte Road, municipally owned and maintained roads. The property has driveway access from Old Almonte Road and the servicing and infrastructure demands will not change as a result of the application.

#### EVALUATION OF THE APPLICATION

PLANNING ACT, R.S.O 1990 - Section 51(24) of the Act sets out the following criteria to consider when reviewing an application to subdivide land.

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

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

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS. The following is a list of applicable sections of the PPS as well as a review of the proposal against these policies:

##### 2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
  2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.

As noted above, the PPS permits lot creation in prime agricultural areas for a residence surplus to a farming operation as a result of farm consolidation provided that the lot size of the severed parcel is kept to a minimum size needed to accommodate the use, sewage and water services, and that new residential dwellings are prohibited on the retained parcel. The applicant has endeavoured to keep the area of the severed parcel to a minimum by only including the existing detached dwelling, well and septic systems, barn, shed and silos not needed for the cash crop farming operation; however, the severed parcel also accommodates approximately 0.5 acres of land area between the creek and the easterly parcel boundary that is not needed to accommodate the use, well or septic systems.

While the applicant has noted that the reason for the configuration of the proposed easterly boundary of the severed parcel is to allow for a regular and rectangular shaped lot and to align with the existing fence line, the PPS is clear that keeping the lot size to a minimum takes precedence. Using the creek as the proposed severed parcel's easterly lot line provides a natural boundary to separate the cash crop farming operation on the retained parcel from the non-farm residential use on the severed parcel, and would give farmers the ability to utilize the land up to the creek if they choose to remove the fence surrounding it. This would ensure that the severed parcel is kept to a minimum size and the farmer would have the ability to utilize both the east side of the creek from Old Almonte Road and the west side of the creek from Old Almonte Road and Ramsay Concession 12 without the necessity to cross the creek.

Given the above, Staff recommends that the easterly parcel boundary of the proposed severed parcel be modified to align with the boundary of the creek as a condition of Consent approval, in addition to rezoning the retained parcel to prohibit a residential dwelling on the lands. This will ensure that the proposal would not result in the creation of an additional building lot and as much land is kept in agricultural production as possible. Provided these conditions are imposed, Staff is of the opinion that the proposal is consistent with the policies of the PPS.

#### COMMUNITY OFFICIAL PLAN (COP)

The subject lands are designated "Agriculture" in the Municipality's Community Official Plan (COP). The Agricultural designation permits non-farm residential dwellings and accessory uses. The following provides an analysis of the proposal against the applicable severance and lot creation policies of the Agriculture designation:

### 3.2.7 Severances and Lot Creation

As the Municipal Property Assessment Corporation (MPAC) records show that the existing dwelling on the property was constructed circa 1907, it would satisfy the requirement of being constructed prior to 1978. Staff can also confirm that the owner has purchased several properties for the purpose of expanding the cash crop farming operation. A condition of Consent approval will be that the applicant rezones the retained parcel to prohibit the construction of a residential dwelling on the lands. Another condition of Consent approval will be that the applicant registers covenant on title of the severed parcel stating that the lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities. In addition, the proposed severed parcel would be kept to a minimum size provided its easterly lot line is modified to align with the creek. Based on the above analysis, Staff views the proposal to meet the relevant policies of the COP.

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

The subject lands are zoned "Agricultural (A)" by the Municipality's Comprehensive Zoning By-law #11-83. The A Zone has different zoning standards depending on whether the property is an agricultural lot or a non-farm residential lot. The severed lot would contain an existing detached dwelling, barn/milking centre, shed and two (2) silos, while the retained lot would remain vacant for the agricultural operation. As such, the severed lot would be subject to the non-farm residential standards and the retained lot would be subject to the agricultural standards. The following table outlines the minimum development standards of the A Zone against the lot and siting specifications of the proposed severed and retained lots:

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

ZONING BY-LAW #11-83 PROVISIONS	BY-LAW REQUIREMENT (NON-FARM RESIDENTIAL LOT)	PROPOSED SEVERED LOT	BY-LAW REQUIREMENT (AGRICULTURAL LOT)	PROPOSED RETAINED LOT
Lot Area (ha)	0.4	±2.22	40	±40.37
Lot Frontage (m)	45	±191.61	150	±531.82
Interior Side Yard (m)	6	>6	20	N/A
Rear Yard (m)	9	>9	20	N/A
Front Yard (m)	9	>9	20	N/A
Exterior Side Yard (m)	9	N/A	20	N/A
Maximum Height of detached dwelling (m)	11	<11	11	N/A
Maximum Lot Coverage	15%	<15%	5%	N/A

Separation from accessory detached dwelling to any structure where animals are housed (m)	30	±30 (existing)	30	N/A
---	----	----------------	----	-----

As noted in the above table, the sketch submitted in consideration of the application demonstrates that the proposed severed lot would exceed the minimum lot area and frontage requirements for a non-farm residential lot, while the proposed retained lot would exceed the minimum lot area and frontage requirements for an agricultural lot. The buildings and structures on the proposed severed lot appear to satisfy the minimum setback and maximum height requirements for a non-farm residential lot; however, it is unclear as to whether the existing detached dwelling and barn/milking centre are located greater than 30 metres (98.4ft) from one another. With the detached dwelling being constructed circa 1907 and the barn/milking centre being constructed in 1971, these buildings would be considered legal non-complying if they are indeed located within 30 metres of each other. As noted, the retained parcel will be required to be rezoned to prohibit a future residential dwelling on the lands to ensure that the proposal would not result in the creation of an additional building lot.

The applicant has noted that the proposed severed lot would be occupied by a detached dwelling, barn/milking centre, shed and two (2) silos. As the severed lot would be considered a non-farm residential lot, the former farm buildings would be considered accessory to the detached dwelling and would be subject to the provisions respecting the maximum number of accessory buildings permitted on a lot contained within Table 6.1 of Zoning By-law #11-83. Given that the maximum number of accessory buildings permitted on a lot within the A Zone is three (3), the severed lot would exceed the requirement by one (1) building. As such, it is recommended as a condition of Consent approval that the applicant obtains relief from Zoning By-law #11-83 to address the exceeded maximum number of accessory buildings permitted on a lot by way of a Zoning By-law Amendment or a Minor Variance.

**CONCLUSION**

Overall, Staff supports the subject Consent application. As it involves the expansion of farm holdings to support a cash crop operation, the proposal qualifies as a residence surplus to a farming operation as a result of farm consolidation. With the easterly boundary of the proposed severed parcel being modified to align with the creek and the retained parcel being rezoned to prohibit a future residential dwelling, the severed lot will be kept to a minimum size and the long-term agricultural integrity of the retained parcel would be maintained. Furthermore, Staff views the proposal to conform to the severance and lot creation policies of the Community Official Plan, consistent with the PPS, and appears to generally satisfy the development standards of the Zoning By-law. With this in mind, Staff provides the following recommendation:

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

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

2. That the applicant provides two (2) copies of the registered reference plan to the Municipality;
3. That the applicant provides digital copies of the registered reference plan in .DWG and .PDF file formats;
4. That cash-in-lieu of parkland be paid in accordance with the Municipality's Cash-In-Lieu of Parkland/Parkland Conveyance By-law;
5. That the applicant rezones the retained parcel to prohibit the construction of a residential dwelling on the lands;
6. That the applicant obtains relief from the Municipality's Zoning By-law #11-83 to address the exceeded maximum number of accessory buildings permitted on a lot by way of a Minor Variance or a Zoning By-law Amendment, or removes the number of buildings in order to comply with the requirement;
7. That the applicant registers a covenant on title of the severed parcel stating that the lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities; and,
8. That the easterly parcel boundary of the severed parcel be modified to align with the boundary of the creek flowing through the subject property.

**Conservation Authority** – Mississippi Valley Conservation Authority

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

**PROPOSAL**

It is our understanding that the purpose of the subject application is to sever one developed lot measuring 2.22 ha and retain a vacant lot measuring 40.37 ha.

**PROPERTY CHARACTERISTICS**

According to a review of available mapping and Drape Imagery, a tributary of the Mississippi River flows through the retained and severed lands in a southerly direction. A branch of this tributary flows in a westerly direction across the retained lands. No natural hazards were identified on the subject lands.

**REVIEW**

**Natural Heritage Values**

**Watercourse**

In accordance with the municipalities' planning documents, as well as guidelines prepared in support of the Provincial Policy Statement (PPS), a minimum 30 m development setback is recommended from any waterbody and watercourse, including the unnamed watercourses on the proposed severed and retained lands. This standard appears achievable on the proposed retained lands. Since the proposed severed lands are already developed, impacts to the watercourse are

not anticipated as a result of the subject application.

Natural Hazards  
None identified.

#### RECOMMENDATIONS AND CONCLUSIONS

With all of the above in consideration, MVCA does not have any objection to the proposed severance provided the mitigative measures outlined below are adhered to on the retained lands.

1. Future development, including a septic system shall be setback a minimum of 30 m from the watercourses.
2. The existing vegetation along the shoreline of the watercourses shall be maintained to a minimum depth of 15 m.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional runoff is directed into the watercourse or onto adjacent properties.

#### NOTES

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

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

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

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

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

Severed Lot – a 2.2 hectare (5.4 acres) of farmland with an existing house serviced by a well and septic system. There is an existing barn, silo and outbuildings. There is sufficient area to replace the septic system in the future. Recommendation – additional sandy loam fill will be required in the area of the future replacement tile bed.

Retained lands – a 40.37 (100 acres) parcel of land that is mainly open agricultural land/fields. There are no existing building on this parcel of land. Recommendation – additional sandy loam fill will be required in the area of the future tile bed.

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

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

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

**(c) PUBLIC INPUT**

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

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

The applicant proposes to sever a 2.2-ha residential lot with an existing dwelling, barn and outbuildings located at 355 Old Almonte Road and retain a 40.37-ha agricultural landholding. The dwelling and barns have become surplus to the agricultural operation. The owner of the agricultural operation has numerous properties used primarily for cropland.

As noted by the Municipality of Mississippi Mills, they have requested that the applicant consider revising their application to show the easterly boundary of the severed parcel to align with the boundary of the unnamed watercourse. Confirmation has been received from the agent and applicant agreeing to this revision. A condition will be required to note the revised boundary changes. (See sketch attached)

The subject lands are located in an area characterized by typical agricultural area, with large landholding intermixed with minimal residential dwellings, which are basically 'residences surplus to the farm operation'. One previous lot was taken from the original landholding in 1994 (application number 1994/036) as a 'farmer's retirement lot'.

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

Soils Inventory – Name: Snedden

- Stoniness: non- stony
- CLI: 1 – no significant limitations
- Drainage: imperfectly
- Hydrogeology: high run-off

Bedrock Inventory – limestone, dolostone, shale

**Endangered Species**

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

Loggerhead Shrike (END)

**Official Plan Policies**

1. Lanark County Sustainable Communities Official Plan - Section 8.2.2

Consents.

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

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

2. Mississippi Mills Official Plan Policies for the Division of Land are found in Section 5.3.11, with additional specific policies in Section 3.2.7 (Agricultural areas) Section 3.3.6 (Rural areas) and 3.6.7 (Residential areas). Generally the consent process will be used for the purpose of creating two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, no development of lands unsuitable for development due to environmental concerns, suitable road access. The lot creation date for Mississippi Mills is July 1, 1973 within the rural designation.

Additional consent policies for Agricultural landholdings (Section 3.2.7) require that severance be limited to: farm dwelling, built prior to 1978, made surplus to a farming operation as a result of a farm consolidation and that the lot area be kept to a minimum in order to keep as much land in agricultural production as possible.

3. Woodlands

The land has not been mapped as woodlands.

#### Zoning

The subject property is currently within the agriculture section of the Zoning By-law, which permits a limited number of uses, including single-detached dwelling. The proposed lot meets the minimum lot frontage and size. Any new development on the severed lands will be required to meet the minimum setback requirements of the Zoning By-law. Also, the retained lands will require re-zoning to prohibit the construction of a residential dwelling thereon.

#### Conclusion

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

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

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



**(e) MINUTES – March 14, 2016**

Diana Mayer, agent attended the hearing and gave evidence by affirmation.

Ms. Mayer advised that her client agrees to change the easterly boundary line on the lot to be created, however the survey costs for following the creek bed boundary would be considerably higher than following the old fence line.

Additionally, the lands between the old fence line and the creek are very steep and not usable for cropping. Her client did however; agree to change the northeasterly boundary of the proposed lot to include the creek.

Committee reviewed the staff report and draft conditions.

**(f) DECISION & CONDITIONS**

DECISION: PROVISIONAL CONSENT IS GRANTED

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

1. An acceptable reference plan (survey) or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated March 14, 2016.
4. The Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
5. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Municipality of Mississippi Mills.
6. The applicant shall provide the Municipality of Mississippi Mills with two (2) copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant to provide a digital copy of the registered reference plan in a .DWG and pdf. file format to the Town of Mississippi Mills.
8. Payment shall be made to the Municipality of Mississippi Mills representing the amount satisfactory to the Municipality in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.
9. The lot to be retained shall be rezoned to prohibit the development of a residential dwelling. The applicant shall consult directly with the Municipality of Mississippi

Mills in this regard.

10. The applicant shall obtain relief from the Municipality of Mississippi Mills Zoning By-law #11-83 to address the exceeded maximum number of accessory buildings permitted on a lot by way of a Minor Variance or a Zoning By-law Amendment, alternatively the applicant may remove buildings and/or structure in order to comply with the zoning by-law requirement. The applicant shall consult directly with the Municipality of Mississippi Mills in this regard.
11. A letter shall be received from the Municipality of Mississippi Mills stating that condition #5 through #10 has been fulfilled to their satisfaction.

**NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the future replacement tile bed area on the severed lands.*
2. *The lands to be severed and the retained lot may be subject to the Minimum Distance Separation requirements under the Agricultural Code of Practice. All future structures must respect MDS calculations.*
3. *The current Community Official Plan provides that up to two consents may be granted for a lot or landholding. No further consents will be permitted on the retained lands or the severed lands through the consent process without an amendment to the Official Plan.*
4. *The Mississippi Valley Conservation Authority advises that the mitigative measures outlined below are to be adhered to on the retained lands.*
  - a) *Future development, including a septic system shall be setback a minimum of 30 m from the watercourses.*
  - b) *The existing vegetation along the shoreline of the watercourses shall be maintained to a minimum depth of 15 m.*
  - c) *Natural drainage patterns on the site shall not be substantially altered, such that additional runoff is directed into the watercourse or onto adjacent properties.*
5. *The MVCA also advise that, pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses", written permission is required from MVCA prior to any alterations to the shorelines of the unnamed watercourses.*
6. *In addition, the MVCA advise that consultation with the Department of Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca should be undertaken prior to conducting any work within proximity of the watercourses, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on*

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

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

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