



**MINUTES
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Tuesday, May 13, 2014 at 9:00 a.m. at the Lanark County Administration Building, 99 Christie Lake Road, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2014-016

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

“THAT, the minutes of the Land Division Committee meeting held on April 14, 2014 be approved as circulated.” **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2014-017

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

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

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

- 6.1 Vincent Dagenais Gibson (for Francois Landry)
Request to waive application fees for re-submission of a consent application which lapsed - White B12/148.

Note: By-law No. 2013-45 Tariff of Fees, does not have a clause to provide for 'waiving of fees'.

MOTION #LD-2014-018

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

"WHEREAS, response to Vincent Dagenais Gibson be deferred pending receipt of referenced letters dated June 12, 2013 and November 28, 2013." **ADOPTED**

7. REPORTS

- 7.1 New Applications to be Heard. The Land Division Committee reviewed the reports for the following new applications to be considered at the 10:00 a.m. public hearings:

7.1.1 **B13/134, B13/135 and B13/136 – Gillies Glen Ltd. – three (3) new lots**
Pt. Lot 26 Conc 1 geographic Township of Drummond, now in the Township of Drummond / North Elmsley. McLachlin Road.

7.1.2 **B14/009 – Genevieve Quesnel-Campbell – new lot**
Pt. Lot 56/57 Plan 276 Town of Carleton Place. Herriot Street.

7.1.3 **B14/014 – Regan and Sheila Lee – new lot**
SE Pt Lot 1 Conc 1 Drummond, Pt Lots 53 and 54 Plan 8828 Town of Perth. Grant Street.

7.1.4 **B14/015 – Jack and Jeanine Helmer – easement**
Pt. Lot 6 Conc 9 Township of Beckwith. Avenue 4.

- 7.2 Applications Previously Heard and Awaiting a Decision

7.2.1 **B13/104 – Steve and Jan Griffiths – new lot**
Pt. Lot 11 Conc. 5 geographic Township of Dalhousie, now in the Township of Lanark Highlands. Dal Con 5B.

7.2.2 **B13/159 – Caivan Properties Holding Corp. – new lot and R-O-W.**
Pt. Lot 1 Conc. 1 geographic Township of South Sherbrooke, now in Tay Valley Township. Bygrove Lane.

7.2.3 B14/004 – Barbara Robertson – new lot and R-O-W

Pt. Lot 23/24 Conc. 8 geographic Township of Pakenham, now in the Town of Mississippi Mills. 9th Con N Pakenham.

8. CONFIDENTIAL REPORTS

None

9. NEW/OTHER BUSINESS

9.1 Hydrogeological Investigations – discussion deferred

9.2 Consents B13/089-094 – Ireton/Balfour – the Secretary-Treasurer provided an update on the additional materials/reports received to date. Suggesting that the Committee proceed with the hearing at this time to enable the applicant and/or the agent to address the Committee to determine the options that may be available to resolve any outstanding issues.

The Committee agreed that a hearing be scheduled for June 9, 2014 in the afternoon to review the materials and information receipt to date with the applicant and his agent and that representatives of the Township attend this hearing. A subsequent re-convened hearing may be required to finalize the provisional conditions.

9.3 Consent B13/110 – McNeely – deferred from Dec. 16, 2013

The Secretary-Treasurer advised that there has been no response to memos, phone calls and e-mails requesting that additional information be provided regarding the MDS calculation and setback requirements.

MOTION #LD-2014-019

MOVED BY: D. Murphy

SECONDED BY: W. Guthrie

“THAT, the Secretary-Treasurer send a ‘registered letter’ to the applicant, Laura Fraser, requesting that the information required as set out in the minutes of the Hearing held on December 16, 2013 be provided, so as to enable the Committee to deal with the application;

AND THAT if a response is not provided by the next upcoming hearing, the Committee will act on the application and finalize the decision.” **ADOPTED**

10. PUBLIC HEARING:

The meeting recessed at 10:00 a.m. for the purpose of conducting the public hearings in the County Council Chambers.

10.1 PROVISIONAL CONSENT GRANTED

10.1.1 B13/134, B13/135 and B13/136 – Gillies Glen Ltd. – three (3) new lots

10.1.2 B13/159 – Caivan Properties Holding Corp. – new lot and R-O-W.

10.1.3 B14/004 – Barbara Robertson – new lot and R-O-W

10.1.4 B14/009 – Genevieve Quesnel-Campbell – new lot

10.1.5 B14/014 – Regan and Sheila Lee – new lot

10.1.6 B14/015 – Jack and Jeanine Helmer – easement

11. UPCOMING MEETINGS

Sunday, May 25 to Wednesday May 28, 2014 – OACA Conference, Blue Mountain;

Monday, June 9, 2014 @ 9:00 a.m. LDC Meeting; and

Monday, August 11, 2014 @ 9:00 a.m. LDC Meeting.

12. ADJOURNMENT – 11:37 a.m.

A handwritten signature in black ink, appearing to read "Mary Kirkham". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary Kirkham,
Secretary-Treasurer

**PUBLIC
HEARING
REPORTS**



LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Owner: Steve Griffiths & Jan Griffiths **Hearing Date:** December 16, 2013
Re-convened Hearing: May 13, 2014

Agent: N/A

LDC File #: B13/104

Municipality: Township of Lanark Highlands

Geographic Township: Dalhousie **Lot:** 11 **Conc.:** 5

Roll No. 0940 002 025 28701 **Consent Type:** New Lot

Purpose and Effect: To sever a 2.02-ha residential building lot and retain a 12.0-ha vacant landholding. The lands are accessed via Dal Con 5B.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Vacant
Proposed Use	Residential	Residential
Area	2.02 ha	12 ha
Frontage	61 m	152 m
Depth	305 m	671 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed well	Proposed well
Sewage Disposal	Proposed septic	Proposed septic
Official Plan Designation -Conformity?	Rural Yes	
Zoning By-law Category	Rural	Rural
-Area Required (min.)	1.0-ha	1.0-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

1.6 Infrastructure and Public Service Facilities

Section 1.6.4.4 Individual on-site sewage services and individual on-site water services shall be used for a new development of five or less lots or private residences where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and where site conditions are suitable for the long-term provisions of such services.

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 3.3 Rural Communities, Section 7.4.3 Local Roads, Section 8.4.2 Consents.

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

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

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 Planner's Report

1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot. The property is legally described as Pt. Lot 11 Concession 5, geographic Township Dalhousie, now in the Township of Lanark Highlands.

The applicant wishes to sever a 4.9 acre residential building lot and retain a 29 acre undeveloped parcel. The lands are accessed via Dalhousie Concession 5B.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 2' by Zoning By-law 2003-451.

1.1 PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well-being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and 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 proposal 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 lot has access to a municipally maintained road.

1.2 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. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

The proposal as submitted can achieve those directives.

1.3 ZONING

The proposal will if approved result in the creation of a new lot that will comply with Official Plan policies and is consistent with Provincial Policy. The sketch accompanying the application illustrates that the lands have sufficient frontage and area to meet the requirements of the zoning By-law and no relief of the zoning provisions, standards or requirements will be required if this application moves forward to approval.

The application as proposed can be considered appropriate and as such represents good planning.

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 is submitted to the township.
3. That the applicant pays any outstanding fees to the Township prior to final approval.
4. Sufficient lands shall be deeded to the Township of Lanark Highlands along the frontages of the lot 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 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.
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. The applicant shall consult directly with the Township in this matter.
7. That the applicant submits the 5% cash-in-lieu of parkland dedication fee to the Township.

Conservation Authority – Mississippi Valley Conservation Authority.

A cursory review of the application revealed no issues with regard to MVCA's plan input and review program. We have therefore screened the application out of the formal review process.

Septic Office – Leeds, Grenville and Lanark District Health Unit

Severed - Approximately 2.02 ha parcel of land consisting of bushland and boulders. Slope and drainage vary. Existing drilled well and septic system (permit #56934) with a

temporary mobile trailer. Additional sandy loam may be required in the area of the replacement of the septic system, depending on location in the future.

Retained – Approximately 12 ha parcel of land consisting of bushland and some boulders. Slope and drainage vary. Additional sandy loam may be required in area of septic system (tile bed).

Hydro One Networks – No comments were received.

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 2.02-ha residential building lot and retain a 12.0-ha residential landholding. Both lots are currently vacant.

The subject lands are located in an area characterized by large residential lots along Dal Con 5.

The lands are accessed via Dal 5th Con, a municipally maintained road.

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

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

- 2/ Lanark Highlands Official Plan Policies for the Division of Land are found in Section 3.2.3 and 3.3.3.3 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. A number of general policies also apply to the division of lands, including: size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on public road unless exempted, no development on lands subject to hazards, flooding, etc., extension of major services not required.

- 3/ Woodlands
The area has considerable land masses mapped as 'woodlands', however none located on the lands to be severed. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. 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. Section 1.1.4.1.d) provides that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) MINUTES – December 16, 2013

Janet Griffiths, owner, attended the hearing and gave evidence under oath.
Steve Griffiths, owner, attended the hearing and gave evidence by affirmation.

Mr. Griffiths questioned how much variation to the application dimension could occur as they are not sure that the measurements provided would encompass the area of the proposed dwelling. The Committee outlined the variance process and re-circulation process.

Mr. and Mrs. Griffiths agreed that as they were not sure of the boundary line between their property and the abutting property to the south, that they would prefer that the application be deferred to a spring meeting. This would enable them to more accurately reflect the location of the proposed building envelope and ensure that the lot boundary would encompass this area plus any required setbacks.

MOVED BY: W Guthrie

SECONDED BY: D Murphy

"THAT, application B13/104 - Griffiths be deferred, at the request of the applicant, in order that they can more accurately define the boundary of the lands to be severed."

ADOPTED

(f) ADDITIONAL INFORMATION

Mr. Griffiths provided by e-mail confirmation that the revised lot size would be 71 m x 241 m or 1.85-ha.

(g) MINUTES – May 13, 2014

No persons attended.

(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.

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 reference plan or legal description and the deed or instrument required by condition #1 above shall relate to the "revised Sketch" dated May 7, 2014.
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Lanark Highlands.
5. The 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. 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.
8. 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 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this matter.
11. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the

municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.

12. A letter shall be received from the Township of Lanark Highlands stating that condition #4 through #11 has been fulfilled to their satisfaction.

NOTES

1. *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.*
2. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam may be required in the area of the replacement of the septic system, depending on location in the future.*
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 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: Gillies Glen Ltd. **Hearing Date:** May 13, 2014
Agent: ZanderPlan Inc.
LDC File #: B13/134, B13/135 & B13/136
Municipality: Drummond/North Elmsley
Geographic Township: Drummond **Lot:** 26 **Conc.:** 1
Roll No. 0919 919 015 02800 **Consent Type:** 3 New Lots

Purpose and Effect: To sever three (3) residential building lots (0.97-ha, 0.85-ha and 0.98-ha) and retain a 70.37-ha landholding with four mobile homes located off Munlaren Road (a private r-o-w). The lands to be severed are accessed via McLachlin Road.

DETAILS OF PROPOSAL	Land to be Severed			Land to be Retained
	B13/134	B13/135	B13/136	
Existing Use	Vacant	Vacant	Vacant	Mobile Home development
Proposed Use	Residential	Residential	Residential	Same
Area	0.97 ha	0.85 ha	0.98 ha	70.37 ha
Frontage	69.2 m	60.96 m	60.96 m	106.39 m
Depth	140.2 m	140.2 m	140.2 m	1,388 m
Road - Access to	Municipal Rd.	Municipal Rd.	Municipal Rd.	Municipal Rd.
Water Supply	Proposed well	Proposed well	Proposed well	Private Wells
Sewage Disposal	Proposed Septic	Proposed Septic	Proposed Septic	3 Septic Systems
Official Plan Designation	Rural, Mobile Home Development, Wetland, Significant Woodlands			
-Conformity?	Yes			
Zoning By-law Category	Rural			Rural, Wetlands & Mobile Home Dev.
-Area Required (min.)	0.4-ha			0.4-ha
-Compliance?	Yes			Yes
-Frontage Required (min.)	45 m			45 m
-Compliance?	Yes			Yes

(a) **APPLICATION REVIEW**

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

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

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

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

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

1.1.5 Rural Lands in Municipalities

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

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

1.6 Infrastructure and Public Service Facilities

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

2.1 Natural Heritage

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

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

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

County Official Plan – 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 General Provisions, Section 4.3 Rural Zone, Section 4.5 Mobile Home development, Section 4.6 Wetland Zone, Section 5.3 Local Roads, Section 6.3 Division of Land.

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

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

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

(b) AGENCY REVIEW

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

Township Planner's Report

Thank you for circulating the Township of Drummond/North Elmsley on this application. Township staff have reviewed the application with respect to its conformity with the Township's Official Plan and Zoning By-law. As indicated, the applicant seeks permission to sever three lots (being 0.97, 0.85 and 0.97 ha), fronting on McLachlin Road, which is a municipally owned road that also forms the boundary between the Townships of Drummond/ North Elmsley and Montague. The retained lands (a little over 70 hectares) extend across the width of the concession and also front on Drummond Concession 2. A portion of the retained lands are zoned for mobile home development, however that area is unrelated to this application. While there was a previous severance around 1974 from this lot, there have been none since then and as such the Official Plan's land division policies would consider the creation of these new lots.

The Gillies Glen Ltd. property is designated Rural, Mobile Home and Wetland according to the Township's Official Plan and has a variable geography including primarily farmland and pasture with some wetlands and woodlands. The three proposed lots are currently open field and situated within the Rural designation. In considering lot creation proposed on lands designated Rural, the intent of the Official Plan must be considered, which allows for limited residential development provided that it retains the character of the rural area. In this case, three new building lots in a lightly developed area will have a limited impact on the rural character of that area and this application is consistent with that intent.

While some livestock facilities are noted in the vicinity of these lots, the applicants have provided a minimum distance separation calculation that indicated that an adequate separation distance can be provided.

While no natural hazards were identified that would constrain site development on the western two lots (B13/134 and B13/135), on the eastern lot the Rideau Valley Conservation Authority has identified a low area and intermittent watercourse close to the road that may flood. Section 3.10.2 of the Plan establishes natural hazards as an evaluation consideration in new development and while these hazards are not specifically mapped on the Constraints Plan, the OP requires the approval authority to consult with the local conservation authority in the identification and mitigation of potential hazards. In this case, the Rideau Valley Conservation Authority advises that satisfactory proof through a site plan would need to be provided to show that safe access and a viable building envelope on higher ground can be confirmed, with no negative drainage impacts on adjacent landholdings. While the precise deliverables will need to be determined in consultation with RVCA, this matter should be addressed as a condition of any approval for that lot.

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

Upon review of this application, Staff are confident that it is generally consistent with the Township's Official Plan, provided that the conditions as indicated on the attached Municipal Reply Form are met. As such, the Township of Drummond/North Elmsley Township supports this application. Trusting this is sufficient for now, please do not hesitate to contact the undersigned if you require any additional information.

Township of Drummond/North Elmsley - recommends approval of this application subject to the following conditions:

The balance of any outstanding taxes and fees owing shall be paid to the Township.

- 1/ The Applicant shall provide the Township with a registered copy of all reference plans associated with this application if a survey is required by the Registry Office.
- 2/ The Applicant shall obtain Civic Address Numbers from the Township of Drummond/North Elmsley for the severed lots and lot to be retained. The applicant shall consult directly with the Township in this regard.
- 3/ The applicant shall confirm that residential entrances are viable from McLachlin Road to the severed lands. The applicant shall consult directly with the Township in this regard.
- 4/ B13/136 only: Adequate evidence shall be provided to the Township that access to a buildable area on the proposed lot can be confirmed and that development and site alteration can occur without creating or exacerbating a natural hazard. This shall be done to the satisfaction of the Rideau Valley Conservation Authority to address their concerns in their letter dated November 19, 2013.

Conservation Authority - Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) has undertaken our review of this application within the context of Section 2.1 Natural Heritage and 3.1 Natural Hazards of the Provincial Policy Statement under Section 3 of the Planning Act. We have also considered the application from the perspective of the Conservation Authority regulations under Section 28 of the Conservation Authorities Act and as regards Section 35-I of the federal Fisheries Act.

The Proposal

The application seeks approval for three new lots with municipal road frontage. The proposed lot areas will be as follows:

B13/134- .97 ha

B13/135- .85 ha

B13/136- .98 ha.

The retained parcel will ultimately maintain an area of 70+ hectares consisting of open field/farmland, locally significant wetland, provincially significant wetland (Black Creek Wetland) and significant forest.

The Property

None of the proposed severances encroach into the 120 metre adjacent lands of Black Creek wetland, nor into the area defined as significant forest.

However, as per our attached mapping, McLachlin Road is low in the vicinity of the proposed lots particularly at proposed B136. The front portion of the proposed lot has a

poorly defined watercourse which collects drainage from the locally significant wetland (north and east of the site) and moves it across the neighbouring driveway, over the front portion of proposed B13/136 and thence across the municipal road to the south and west into Black Creek Wetland, approximately 1 kilometer from the site.

Proceeding south—southwest along McLachlin Road (fronting B 134 and B 135), the land is elevated enough that access presents no concern as regards potential flooding. In all three instances, the proposed lots do possess higher land towards the north or rear of the lots.

Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to proposed B134 and B 135. Road frontage of these proposed lots appears to be sufficiently elevated so as to preclude any drainage/flood potential concerns.

With respect to B13/136, the RVCA recommends that a site plan be prepared to demonstrate that access across the lowest section of the property from the municipal road to higher ground on the lot can be accomplished without impact to local flow/drainage patterns. Approval from our office for a crossing or alteration of the intermittent watercourse will be required as per Ontario Regulation 174-06.

With respect to proposed B13/135, we recommend that a 30 metre setback from the intermittent watercourse be maintained for any disturbance.

As proposed, B134 is physically removed from the drainage swale and the drainage is captured on the south side of McLachlin Road. We have no concern with B 134 as regards natural hazards at this time. Should the Ministry of Natural Resources have protective measures and/or recommendations for the protection of significant forest habitat in the development of proposed B134, we would generally support.

The RVCA recommends that an Environmental Impact Statement (EIS) would not add value with regard to assessing the impacts on the wetlands or significant forest adjacent to the proposed lots. By and large, the nature of the Property is that of open field/agricultural, save for the low lying area occupying proposed B136 as discussed above.

As the retained lands do contain a substantial area of provincially significant wetland, locally significant wetland and significant forest, the RVCA would support an EIS for any additional development proposed in the future as may be needed per the provincial planning policy.

Septic Office – Leeds, Grenville & Lanark District Health Unit

Severed B13/134 – A 0.97 hectare vacant parcel. Land slopes toward McLachlin Road. There is a mix of trees and field. Additional sandy loam fill will be required in the area of the future tile bed.

Severed B13/135 – A 0.85 hectare vacant parcel. Land slopes toward McLachlin Road. This parcel is mainly open field. Additional sandy loam fill will be required in the area of the future tile bed.

Severed B13/136 – A 0.98 hectare vacant parcel. Land slopes toward McLachlin Road. This parcel is mainly open field. Additional sandy loam fill will be required in the area of

the future tile bed.

Retained – A 70.37 hectare parcel of land with an area that is zoned MHP for mobile home development. There are four existing trailers serviced by well and septic systems. This parcel of land can support a conventional tile bed with additional sand fill being required in the area of the future replacement tile beds. This property was considered as less than 10,000 litres per day sewage flow.

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.

Township of Montague – No comments were received.

(c) **PUBLIC INPUT**

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

Mary Kirkham

From: STEVE DARLINGTON <teamkz@rogers.com>
Sent: April 2, 2014 12:44 PM
To: Mary Kirkham
Subject: File No. B13/134,B13/135 and B13/136

Please inform me of the public meeting as I would like to take part. Thank you!
Steve

TO: Ms. Kirkham:
FROM: Mark Jensen <Mark.Jensen@timmins.ca>
SENT: April 7, 2014 6:55 PM

Mary Kirkham

Consent Applications B13/134, B13/135 & B13/136 - Gillies Glen Ltd.

I am the owner of the lands lying immediately southwest of the lands subject to the above noted consent applications. I wish to advise that I have no objections to the creation of the proposed lots as they would make ideal rural residential properties on a portion of the subject lands that is less conducive for farming purposes. Thank you for advising me of this proposal.

Sincerely,

Mark Jensen

Mary Kirkham

From: STEVE DARLINGTON <teamkz@rogers.com>
Sent: April 25, 2014 10:41 AM
To: Mary Kirkham
Subject: b13/136

Good morning Mary, I spoke with one of your associates regarding a scheduled meeting on May 13th at 10 am. I would like to be present at that meeting as stated in an earlier email. I have a concern and its regarding the proposed lot adjacent to my driveway. This area is wet lands and as such I feel should not be disturbed. There is a culvert that runs under my driveway and the drainage enters that proposed lot and carries through it to another culvert running under mcglachlin road .If that area is developed I'm concerned it will cause flooding of my driveway. Thank you.
Steve Darlington

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever three (3) residential building lots ranging from 0.85-ha to 0.98-ha and retain a 70.37-ha landholding with a 4-unit Mobile Home development. The balance of the lands are vacant and used for crops. Two previous lots were created from the original parcel - a residential lot which is located on the south half of the lot – this lot was created in 1974 and a residential lot in the south east corner – this lot was created in 1975, both predate the ‘lot creation date’ set out in the Township’s Official Plan.

The subject lands are located in an area characterized by large landholdings, intermixed with larger type residential lots. The lands to the west are designated as Provincially Significant Wetlands (Black Creek Wetland) which requires setbacks and development constraints within the influence area of the wetland. Both the Township and the RVCA have expressed concerns regarding lot B13/136 and request consideration for a site plan to show that safe access and a viable building envelope is available without any negative drainage impacts on the adjacent lot.

A licensed Aggregate area is located approx. 340 m south of the lands to be severed. The influence area from this type of operation – mineral aggregate resource, is 300 m.

The lands to be severed are accessed via McLachlin Road, a municipally maintained road and the lot to be retained is accessed via McLachlin Road and Drummond Con 2, however no access/entrance has been applied for onto the County Road.

Soils Inventory – Southern portion	Northern portion
- Name: Tennyson	North Gower
- Stoniness: moderately	non-stony
- CLI: 3 – moderately severe limitations	CLI 2 – moderate limitations
- Drainage: well	poor
- Hydrogeology: moderate	High Run-off

Bedrock Inventory – Dolostone, sandstone

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

of the Natural Heritage Information Centre (NHIC) records indicate that there is a potential for the following Threatened (THR) and/or Endangered (END) species on the site or in proximity to it:

Eastern Meadowlark – THR
Bobolink – THR
Gray Ratsnake - THR

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

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

- 2/ Drummond / North Elmsley Official Plan Policies for the Division of Land are found in Section 6.3 of the OP. Generally the consent process will be used for the purpose of creating a limited number of lots. Where more than three (3) lots are proposed, development shall occur by plan of subdivision. A number of "general policies" also apply to the division of land, including: hamlets are primary focus for development, no undue extension of major service required, supporting studies as required, must have existing public road frontage, size and setbacks appropriate to zoning designation, MDS separation, no development on lands subject to hazards, flooding etc. . The lot creation date for Drummond / North Elmsley is January 1, 1979.

Section 6.3.2.6.5 of the consent policies adds more than three lots may be created on large properties which front on two or more roads, such as through lots, where development, along each road frontage can be considered on its own merits because of the distance separating the respective areas to be developed.

- 3/ Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Drummond / North Elmsley.

Zoning

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

Conclusion

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

natural heritage features and areas, and other resource area. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. When directing development on rural lands, a planning authority shall apply the relevant policies of the PPS Section: Building Strong Communities, Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Township's Official Plan which is appropriate in the rural setting. The application can meet the consistent with test of the Provincial Policy Statement.

There were no objections raised, however concerns were raised as to the suitability of B13/136, by any of the agencies which were circulated regarding this proposal. In light of the foregoing, this office is satisfied that the applicant's proposal maintains the general intent and purpose of the PPS, the County Official Plan and Official Plan for the Township of Drummond / North Elmsley and could be given favourable consideration.

(e) **MINUTES – Sept 23, 2013**

Tracy Zander, agent and Steve Darlington, adjacent landowner attended the hearing and gave evidence under oath.

Ms. Zander advised that they had discussed the proposal with the Township and CA regarding the wetland area and that they had contact an engineer to develop a site development plan.

Mr. Darlington expressed concerns that the creek across his driveway runs into this wetland and does not want this drainage pattern to change. The Chair suggested that ZanderPlan involve Mr. Darlington in the site plan review.

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.

B13/134

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 Drummond / North Elmsley.
4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.

The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley for the severed and retained lands. The applicant shall consult directly with the Township in this regard.

6. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #6 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that an Environmental Impact Statement (EIS) may be required for any additional development proposed in the future 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 Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

comes into effect. The regulation would establish the area that is protected as habitat for the species.

The Ministry of Natural Resources 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.

B13/135

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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands are within proximity of an intermittent watercourse. No development or disturbance shall occur within 30 metres from the intermittent watercourse."
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Drummond / North Elmsley.
5. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
7. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
8. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #4 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that an Environmental Impact Statement (EIS) may be required for any additional development proposed in the future 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 Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
5. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*
The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.

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The Ministry of Natural Resources 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.

B13/136

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 Drummond / North Elmsley.

4. The applicant shall provide the Township of Drummond / North Elmsley with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall submit to the Township of Drummond North Elmsley and the Rideau Valley Conservation Authority, a detailed 'site / development plan' to demonstrate that access from the municipal road to the lot can be accomplished without impact to local flow/drainage patterns and to indicate the location of a viable building envelope that has no negative drainage impacts on adjacent lands.
6. The applicant shall submit to the Rideau Valley Conservation Authority, an application under Ontario Regulation 174/06 for approval for a crossing or alteration of the intermittent watercourse on the lands to be severed.
7. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Township of Drummond / North Elmsley in this regard.
8. The applicant shall obtain a Civic Address Number from the Township of Drummond / North Elmsley for the severed and retained lands. The applicant shall consult directly with the Township in this regard.
9. A letter shall be received from the Township of Drummond / North Elmsley stating that condition #3 through #8 has been fulfilled to their satisfaction.
10. A letter shall be received from the Rideau Valley Conservation Authority advising that condition #5 and #6 have been fulfilled to their satisfaction.

NOTES

1. *The Rideau Valley Conservation Authority advises that an Environmental Impact Statement (EIS) may be required for any additional development proposed in the future 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 Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the future tile bed.*
4. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
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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.

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The Ministry of Natural Resources 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 - Addendum

APPLICATION FOR CONSENT

Owner: Caivan Properties Holding Corp **Re-convened Hearing Date:** May 13, 2014
Agent: Fran Cairo
LDC File #: B13/159
Municipality: Tay Valley Township
Geographic Township: South Sherbrooke **Lot:** 1 **Conc.:** 1
Roll No. 0911 914 015 01100 **Consent Type:** New Lot & R-O-W

Purpose and Effect: To sever a 1.34-ha residential building together with a R-O-W and retain a 2.96-ha residential lot at 1205 Bygrove Lane.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Seasonal Residential	Seasonal Residential
Proposed Use	Seasonal Residential	Seasonal Residential
Area	1.34 ha	1.34 ha
Frontage	67.46	67.46
Depth	Irregular	Irregular
Road - Access to	Registered Right-of-way	Registered Right-of-way
Water Supply	Proposed well	Proposed well
Sewage Disposal	Proposed Septic	Proposed Septic
Official Plan Designation	Rural	
-Conformity?	Yes	
Zoning By-law Category	Seasonal Residential	Seasonal Residential
-Area Required (min.)	0.405-ha	0.405-ha
-Compliance?	Yes	Yes
-Frontage Required (min.)	60 m	60 m
-Compliance?	Yes	Yes

(a) MINUTES – April 14, 2014

Frank Cairo, agent and Melvin McDougall, Eleanor McDougall and Joyce Fleming, adjacent landowners, attended the hearing and gave evidence by affirmation.

Mr. Cairo advised that he has recently purchased these lands and prior to submitting the application, he had met with the Township, RVCA and the MRSSO to review his plans for development.

The lands are made up of 12 acres including an island to the south, the land do not continue into Frontenac County and are access by an existing surveyed r-o-w leading from the cul-de-sac at the end of Bygrove Lane. The landowner to the north of this r-o-w,

Mr. McDougall also uses this r-o-w to gain access to his lands. The existing r-o-w extends onto the proposed lot B13/159 and therefore no private road extension is required.

B13/157 and B13/158 have buildings located on them, however they are not residential dwellings, only the retained lands has a residential dwelling located on it.

Mr. Cairo also advised that he has had extensive discussions with RVCA regarding the access to the peninsula lot (B13/159) which is limited due to the narrowness and outcroppings of rock.

Melvin and Eleanor McDougall presented the following written questions:

- 1/ WAS THE PROPERTY OWNER,S IN THE OLD BEDFORD TWP. NOTIFIED OF THESE SEVERENCE APPLICATION,S
- 2/ WHAT DISTANCE FROM THESE PROPERTIES HAVE TO NOTIFIED.
- 3/ WHAT IS THE REQUIRED LOT SIZE FOR SEVERENCE.
- 4/ DO THESE LOTS ALL HAVE THE REQUIRED SIZE.
- 5/ REGARDING LOTS 157 AND LOT 158. ,WHEN A ROAD MAINTENANCE AGREEMENT IS IN PLACE, PROPER LANEWAY ENTRANCES AGREED UPON (DRAINAGE TILE) IN PLACE AND REQUIRED PERMITS AQUIRED \ FOR DOCKS - SEPTIC BEDS \ BUILDINGS ETC.\ I WOULD AGREE TO SEVER THEN. RIGHT NOW THERE ARE TOO MANY UNANSWERED QUESTIONS.

LOT 159 DOES NOT MEET THE REQUIRMENTS FOR SEVERENCE

- 1/ AT WHAT TIME OF THE YEAR WAS THE SURVEY DONE
- 2/ WAS THE MEASUREMENTS TAKEN FROM THE WATER,S EDGE OR FROM THE BANK WHERE THE HIGH WATER HAS BEEN IN THE PAST. I RESERVE THE RIGHT TO QUESTION THESE MEASURMENTS WHEN THE SNOW HAS LEFT.
- 3/ THE SURVEY LINES SEEM TO RUN PARALLEL TO THE TWP OR COUNTY LINE.- DIAGONALLY ACROSS THE POINT. WHY?
- 4/ GIVEN YOU NEED 30 MTR. FROM EACH SHORE OR HIGH WATER GIVEN YOU NEED 30 MTR. FROM EACH SHORE OR HIGH WATER MARK, HOW MUCH AREA IS LEFT FOR ABUILDING.?
- 5/ RIDEAU CONSERVATION RECOMENDS NO ROAD ACCESS. LOOKING AT THE ROCK FACE YOU HAVE TO DEAL WITH EVEN UNDER THE SNOW IT,S
A NO BRAINER.
1ST ACCESS BY WATER MEAN,S -FIRST THEY HAVE TO HAVE A LEGAL ACCESS BY WATER -NON AVAILABLE.
2ND A LANDING SIGHT MUST BE CONSTRUCTED ON THE LOT,S SHORE -
A MAJOR TASK GIVEN THE HEIGHT OF THE BANK
REMEMBER -RIDEAU CONSERVATION VIEWED THIS SITE UNDER A DEEP BLANKET OF SNOW
- 6/ PARKING LOT IS GOING TO INFRINGE ON THE 30 METER SET BACK AS WELL AS ON THE LOW LYING AREA BETWEEN THE ROAD RIGHT OF WAY AND THE WATER
- 7/ THIS PENINSULA IS A NATURAL TRAVEL ROUGHT FOR NATURE GAME SUCH AS TURKEYS, DEER ETC, USE IT TO GET FROM THE MAIN LAND ONTO THE LARGE ISLANDS SOUTH AND WEST AND ACROSS TO THE

MAINLAND ON THE SOUTH SIDE OF LONG BAY TO ALLOW A BUILDING IN THE CENTRE OF THIS PROPERTY WOULD BE A DISASTER
8/ TO ALLOW THE SHORE LINE TO BE ALTERED TO GET HEAVY EQUIPMENT IN TO WORK ANOTHER DISASTER
9/ HOW DO YOU STOP EQUIPMENT FROM USING THE EXISTING PATHS. YOU WERE NOT SUCSEFUL IN KEEPING THE PATHS FROM BEING BUILT OR FROM IMPROVEMENTS BEING MADE TO THE PATHS IN THE PAST.
10/ THIS SEVERENCE SHOULD NOT BE ALLOWED TODAY NOR IN THE FUTURE
THIS PORTION OF THE LAKE HAS REACHED A SATURATION POINT \ FROM THE DAM AROUND THE NORTH END OF THE LAKE \ MUD BAY \ McCANN SUB DIVISION \ LONG BAY BOTH SHORES WITH THE EXCEPTION OF THE TWO ISLANDS
WE DON'T NEED ANOTHER GETO \ RIDEAU \ TRENT \ HALIBURTON

The committee addressed the written questions.

Ms. Fleming question how and when were measurements taken to show the setbacks as the lake level varies greatly.

The committee advised that according to the plan of survey the elevation information was taken from geodetic datum derived from a set benchmark having a published elevation of 162.586 metres.

Mr. Cairo advised that he will continue to work with the RVCA to ensure that there is limited disturbance within the 30m setback area and confirmed that there is additional works required regarding access to the building envelope.

Ms. Fleming questioned where utility lines would be placed; if they needed to stay back 30 m. Mr. Cairo advised that Hydro/Bell lines are already in place.

The committee agreed that there are further issues that need to be addressed regarding B13/159, particularly emergency vehicle access.

Moved by W Guthrie and seconded by R Strachan, **THAT B13/159 be deferred** in order for the applicant to provide additional information regarding access, utilities, setbacks and servicing by emergency vehicles. Cd.

Committee reviewed the staff report and draft conditions.

The retained lot will maintain ownership of tile island offshore (part 12).

(b) ADDITIONAL INFORMATION

Mr. Cairo has advised that he will provide information at the re-convened hearing to demonstrate emergency access to the lot. (see attached)

Jane Johnston – May 3, 2014 – see e-mail attached.

(c) MINUTES – May 13, 2014

Nisha Cairo, spouse of the agent (as authorized by e-mail) attended the hearing and

gave evidence under oath.

Ms. Cairo provided a detailed survey plan which showed the setbacks, distances from the water (highwater mark) and building envelope. Also, advising that they had spoken with Mr. McDougall and confirmed that they would be obtaining all necessary permits. They also discussed with Mr. McDougall, the possibility of entering into a road maintenance and repair agreement.

Committee reviewed the staff report and draft conditions.

(d) 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. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
2. An appropriate right-of-way shall be granted to the owners of the lot to be retained over the lot to be severed and all those who are currently entitled.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
4. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans (including an electronic copy) associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
7. Payment of \$200.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
9. That the applicant enter into a Development Agreement and/or Site Plan Agreement with Tay Valley Township. The wording of the agreement shall be acceptable to the Municipality and shall address the concerns of the Conservation Authority as outlined in their report of January 27, 2014 and the MRSSO reports

dated February 14, 2014, provided that in the event the Conservation Authority is not satisfied with the wording of the agreement, the Committee shall change the condition under Section 53 (23) of the Planning Act, to delete the reference to the Conservation Authority.

10. A letter shall be received from Tay Valley Township stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
2. *It is recommended that the owner and users of the private road enter into a joint use and maintenance agreement for the construction and on-going maintenance of the shared private road.*
3. *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.*
4. *Residents and users of Bob's Lake are encouraged to take precautions to avoid the spread of the invasive species (zebra mussels) from or to other lakes.*
5. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
6. *Endangered Species Act, 2007, and Species at Risk in Ontario Background
The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

The Ministry of Natural Resources 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: Barbara Robertson

Hearing Date: April 14, 2014

Re-Convened Hearing: May 13, 2014

Agent: Barbara Robertson

LDC File #: B14/004

Municipality: Town of Mississippi Mills

Geographic Township: Pakenham

Lot: Pt. 23/24 **Conc.:** 8

Roll No. 0931 946 020 21500

Consent Type: New Lot & R-O-W

Purpose and Effect:

To sever a 20.3-ha agricultural landholding together with a r-o-w as a lot addition to an agricultural operation owned by Claude Proc and to retain a 52.6-ha landholding with an existing dwelling and barns located at 2172 Waba Road. The lands to be severed are accessed via a R-O-W to the 9th Con N Pakenham.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Agricultural	Residential/Agricultural
Proposed Use	Agricultural	Residential/Agricultural
Area	20.3-ha	52.6-ha
Frontage	6 m R-O-W	371 m
Width of Lot	620 m	
Depth	320 m	840 m +/-
Road - Access to	Private R-O-W	County Road
Water Supply	None	Private Well
Sewage Disposal	None	Septic System
Official Plan Designation -Conformity?	Agriculture Yes	
Zoning By-law Category	Agriculture	Agriculture / Rural
-Area Required (min.)	40.0-ha	40.0-ha
-Compliance?	No	Yes
-Frontage Required (min.)	150 m	150 m
-Compliance?	No	Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

1.1 Managing and Directing Land Use

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 1.1.4.1 In rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses.

2.3 Agriculture

Section 2.3.4.1 Lot creation in primate 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.

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 2 Basis of Plan, section 3.2 Agricultural Policies, Section 3.3 Rural Policies, section 4 General Policies, Section 4.6.4 Local Municipal Roads, Section 5.3.11 Consent to Sever Land.

The Town 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 11 Agricultural Zone, Section 12 Rural Zone.

The Town of Mississippi Mills advises that the proposal does not comply with the zoning by-law regulations. Rezoning will be required.

(b) AGENCY REVIEW

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

Town Planner's Report

BACKGROUND & PROPOSAL

Ms. Barbara Robertson (the "owner") currently owns a ±73ha (180ac) land holding which has frontages of ±376m on Waba Road, ±410m on 8th Concession Pakenham, and ±6m on 9th Concession Pakenham. The landholding consists of three (3) separate roll numbers, however, the owner's solicitor has indicated that the landholding has one (1) title.

The owner has requested to sever a ±20.3ha (50.1ac) parcel of land from the landholding and to retain a 52.6ha (130ac) parcel. The severed parcel is an irregular "panhandle" shape consisting of a narrow strip of land (±6.2m (20ft) wide by ±335m (1100ft) long) which fronts onto 9th Concession Pakenham and connects to a rectangular ±20ha (49.4ac) area of land.

The severed parcel is vacant of any structures and is currently being used for cash cropping. The owner has indicated that she wishes to convey this land to a local farmer (Mr. Claude Proc) to allow him to continue to farm the lands.

The owner's solicitor provided the Town with a copy of a 1940 deed which appears to show the area of the severed parcel once being separate from the retained lands. At some point in time the two parcels appeared to have been merged into one title. The

owner now wishes to separate them.

EXECUTIVE SUMMARY

The purpose of this report is to provide an analysis of the consent application against the relevant policies of the Town's Community Official Plan (COP), the Town's Zoning By-law #11-83, the Provincial Policy Statement (PPS) 2005, and the Planning Act, R.S.O. 1990, and to provide recommendations/suggested conditions to the County of Lanark's Land Division Committee.

DESCRIPTION OF SUBJECT LANDS

The subject property is located at the north-central portion of the Pakenham Ward, approximately 9km north-west of the village of Pakenham. The landholding is 73ha in area and has frontages of ±376m on Waba Road, ±410m on 8th Concession Pakenham, and ±6m on 9th Concession Pakenham. The property currently contains an existing single detached dwelling, as well as various agricultural outbuildings. These structures are located in the centre of the land holding and are accessed by way of a laneway from Waba Road. A small tributary of Waba Creek also runs through the western portion of the landholding.

The south-west portion of the landholding (±30ha) is comprised of non-tillable land which contains a heavily wooded forest, while the remainder of the property (±43ha) consists of agricultural land currently being utilized for cash cropping purposes. In addition, the TransCanada Pipeline also runs diagonally through the property.

PROVINCIAL POLICY STATEMENT (PPS), 2005

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 review of the proposal against these policies.

2.3 Agriculture

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture. *Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.

2.3.3 Permitted Uses

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, secondary uses and agriculture-related uses*.

Proposed new *secondary uses* and *agriculture-related uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. These uses shall be limited in scale, and criteria for these uses shall be included in municipal planning documents as recommended by the Province, or based on municipal approaches which achieve the same objective.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

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

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:

- 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 operation** as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant 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.

The severed parcel is considered to be prime agricultural land. The consent would allow these lands to be conveyed to a local farmer, and in doing so, increase the farmer's agricultural land holdings. The proposal will not result in the creation of a residential building lot as the owner will be required to re-zone the property to prevent any residential structures from being erected as a condition of provisional consent. This requirement will help protect the long-term agricultural integrity of the lands.

Staff view the proposed ±20.3ha (50.1ac) severed parcel to be appropriate for agricultural uses common in the area and of a sufficient area to maintain future flexibility. The size and shape of the parcel is comparable to that of the abutting agricultural property to the east.

Staff view the proposed consent to be in keeping with the above noted criteria.

COMMUNITY OFFICIAL PLAN (COP)

The COP has split designations for the subject property. The north and east portion (±43ha) is designated as Agriculture while the south and west portion (±30ha) is designated as Rural. The severed lands are entirely within the Agriculture designated portion. The following agricultural lot creations policies contained within the Plan are applicable to the proposal:

3.2.7 Severances and Lot Creation

Severances and the creation of lots within the Agricultural designation shall be limited to the following:

3. Farm-related severances may be considered for the creation of a new agricultural holding provided that:

- i) Generally, the minimum lot area for agricultural parcels shall be approximately 100 acres. To this extent, this Plan encourages the creation of agricultural parcels in accordance with the *original township lot* fabric of the area.
- ii) The size of the parcels to be severed and retained is appropriate for the type of agriculture being carried out in the area.
- iii) The minimum lot area shall be sufficiently large to ensure the long-term flexibility of land to accommodate future *agricultural uses*.

Staff note that while the size of severed lot (±50.1ac) does not meet the minimum 100 acre target identified in the COP, the lot configuration will resemble half of an original township lot, and would be in keeping with the abutting agricultural property to the east. Also, it is important to note that the proposal would result in a retained parcel size of ±52.6ha (130ac). This parcel would resemble an original township lot, and would therefore be in keeping with Section 5.3.11.1(ii) of the COP which states that:

“Nothing in this Plan shall prohibit severance applications which result in the creation of *original township lots*. For the purpose of this Plan an *original township lot* shall be considered a holding.”

Furthermore, Staff note that based on the deed provided by the owner's solicitor, it appears that the lot to be severed was in fact once separate from the retained lands, and that these parcels subsequently merged on title at some point in time.

ZONING BY-LAW #11-83

The subject property is currently zoned as Agricultural (A) Zone and Rural (RU) Zone by the Town's Zoning By-law #11-83. The severed parcel is entirely zoned A, while the retained parcel has a split zoning of A and RU. The zoning of the property matches up with the respective COP designations noted above.

As the proposal would result in the severed parcel being vacant of any dwelling or outbuildings, Staff recommend that the owner be required to amend the zoning of this parcel to prohibit any future residential development on the lands. Such a requirement is supported by policies of the Town's COP and the PPS, as it prohibits new residential building lots from being created on prime agricultural land.

In addition, Staff note that the A Zone requires a minimum lot size of 40ha (98.9ac) and a minimum frontage of 150m. As the severed lot would have an area of ±20.3ha (50.1ac) and a frontage of ±6.2m, the owner would be required to obtain relief from these provisions of the by-law by way of a Zoning By-law Amendment.

CONCLUSION

As the proposed retained parcel appears to have once been separate from the owner's landholding, Staff are generally supportive of the application. The proposal would result in the retained parcel resembling an original township lot, while the severed parcel would be of a size and shape comparable to that of the abutting agricultural parcel to the east. No new residential building lot would be created. Staff view the severed parcel to be of a sufficient area to carry out agricultural activities common to the area, and note that the owner has indicated that she intends to convey the lands to a local farmer, thereby increasing the farmer's agricultural landholdings.

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

1. That the owner provide a copy of the registered reference plan to the Town;
2. That the owner provide a digital copy of the registered reference plan in a .DWG file format to the Town;
3. That the owner be required to rezone the severed parcel to prohibit the construction of a residential dwelling on the lands, and to account for the deficient lot frontage and lot area of the parcel;
4. That the owner be required to demonstrate that access can be provided to the severed parcel, and obtain an agricultural entrance permit to access the parcel; and,
5. That the owner pay any outstanding property taxes on the subject property."

Trans Canada Pipelines

March 14th, 2014

Ms. Mary Kirkham,
Planning Administrator
County of Lanark
99 Christie Lake Road
Perth, ON
K7H 3C6

Via email: plan@lanarkcounty.ca

Dear Ms. Kirkham:

**Re: Consent Application B14/04, Barbara Robertson
Pt. Lot 23/24, Concession 8, Geographic Township of Pakenham
Our File No. PAR 27878**

We have received the above-noted consent application for comment. TransCanada has two high pressure natural gas pipelines crossing the severed parcel. TransCanada reviews all proposed development within 200 metres of its facilities to ensure it does not affect the safety and integrity of those facilities.

We request as a condition of approval the landowner be required to enter into an agreement with TransCanada and same be registered on title. Our recommended wording for the condition is as follows:

- 1) The conditions, restrictions or covenants specified by TransCanada PipeLines Limited (TransCanada) shall be registered against title (by agreement) in relation to the "Lands" by way of application to register conditions, restrictions or covenants as applicable, pursuant to the Land Titles Act, or any amendments thereto.

The agreement set out in the recommended condition would contain the following items:

1. No permanent building or structure may be located within 7 metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way.
2. All crossings of the pipeline right-of-way by any facility as defined by the National Energy Board Act (NEB Act) Section 112 must have TransCanada's prior written authorisation. A crossing facility may include, but is not limited to, driveways, roads, access ramps, trails, pathways, utilities, berms and attenuation fences. In accordance with the NEB Act, the owner shall be required to enter into a crossing agreement with

Authorized commenting Agency for

LEHMAN
& ASSOCIATES

97 Collier St.,
Barrie, ON L4M 1H2
(705) 727-0663



TransCanada prior to the construction of any facility. The owner agrees to meet all clearances and design requirements outlined in the crossing agreement and the NEB Act Pipeline Crossing Regulations. Please contact TransCanada's crossing staff at crossings@transcanada.com or call 1-877-872-5177 for more information.

3. Wells or septic systems shall not be located on TransCanada's right-of-way. Construction of any septic system within 30 metres of the right-of-way requires prior notification to TransCanada to ensure the septic bed will not permit drainage to affect pipeline integrity.
4. Any grading not otherwise permitted by Section 112 of the NEB Act and regulations that may affect the right-of-way or drainage onto it, regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada's prior written approval. Grading activities on the right-of-way will only be permitted when a TransCanada representative is present to inspect and supervise them.
5. TransCanada requests notification prior to commencement of construction works for any blasting undertaken within 300m of the pipeline right-of-way. Notification is required by the NEB Act prior to any blasting being undertaken within 40m of the right-of-way. A description of the methods and charges to be used must be prepared, at the owner's expense, by a qualified technician and submitted for TransCanada's written approval. Regional personnel from TransCanada shall help the third party contractor complete the relevant blasting forms and send it to the Pipe Integrity group for approval.
6. Section 112 of the National Energy Board Act requires that anyone excavating with power-operated equipment or explosives within 30m of the pipeline right-of-way must obtain leave from the pipeline company before starting any work. To satisfy this NEB Act requirement, you may send your request for leave through Ontario One Call at 1-800-400-2255 at least 72 hours before the start of any excavation using power-operated equipment and the use of explosives within 40m of the pipeline right-of-way limits.
7. No fill or building material may be stored on the pipeline right-of-way before, during or after construction unless prior written approval is obtained from TransCanada.
8. Notice must be given to Ontario One Call (1-800-400-2255) a minimum of 72 hours before the start of any construction on or within 30m of the pipeline right-of-way and 5 business days before conducting any work involving explosives.
9. Landscaping of TransCanada's right-of-way is to be approved in writing by TransCanada and done in accordance with TransCanada's Landscaping Guidelines.

Authorized commenting Agency for

LEHMAN
& ASSOCIATES

97 Collier St.,
 Barrie, ON L4M 1H2
 (705) 727-0663

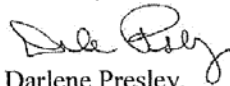


10. The developer or owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

11. In addition to the aforementioned conditions, the appropriate agreements from the Land Services Department must be in place prior to any work being undertaken on the right-of-way including crossings, landscaping or ground disturbance.

Thank you for the opportunity to comment. We would appreciate receiving a copy of the decision. If the decision can be provided either by email to Darlene@lehmanplan.ca or by fax at 705-727-9217 it would be greatly appreciated. If you have any questions, please do not hesitate to contact our office.

Sincerely,



Darlene Presley,
Project Manager

(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.

Mary Kirkham

From: John Grierson <john.grierson@rogers.com>
Sent: February 26, 2014 5:00 AM
To: Mary Kirkham
Subject: Severance B14/004

I, John Grierson, being the registered owner of 2776 8th Concession North, Pakenham, I received the Notice of Application for Consent.

I have no objection to the proposed severance providing that the lands to be severed remain as agricultural lands, as currently zoned. I recognize that there are efficiencies in farming practices that can only be achieved with large acreages, and support this addition to Mr. Claude Proc's existing agricultural operations. I would recommend that a stipulation be that the lands to be severed be joined as one parcel with Mr. Proc's other adjacent holdings. This would prevent further fragmentation of agricultural land as it would require a severance application at some point in the future, which, again, would require public input.

Regards,

John Grierson
613 623 0775.

Mary Kirkham

From: Anne Freemark <freemark@uwaterloo.ca>
Sent: March 12, 2014 4:54 PM
To: Mary Kirkham
Cc: David Freemark (david.freemark@opg.com); David (Freemark@xplornet.com)
Subject: FW: File No.: B14/004

Importance: High

Mary Kirkham, Planning Administrator
County of Lanark
99 Christie Lake Road
Perth Ontario
K7H 3C6

Dear Mary,

We (Anne & David Freemark) have received the notice of application re: Pt. Lot 24/23 Conc. 8 Pakenham Township.

Our farm (3071 9th Conc. N) borders the proposed lands to be severed to the north and we access about 50 acres of our land by the ROW in question. Our 95 acre farm is divided into two parts by the Waba creek and the south part has always been accessed by this ROW since we purchased it in 1993 and also by the previous owners for many years. The farm had been in his family (Cunningham/Campbell) since the 1860's. When we purchased the land, we were assured that we could also gain access using this ROW.

Our main concern is that we continue to be able to access our land via this ROW.

The proposed lands to be severed are **not** currently accessed via the ROW to the 9th Conc. N. We do not wish to have our land crossed to access the land-locked field being severed and this would be necessary unless the future owner plans to remove about 20-30 mature trees that currently exist in the ROW. Also, we pasture cattle adjacent to and on the ROW so a fence would need to be erected if this land is to be severed.

For these reasons, we are interested in being informed of all proceedings pertaining to this land including copies of surveys, land deeds, notification of the public meeting and, of course, the final decision.

We recommend that the County consider **not** allowing the severance based on this being a proposed access until the issues above are addressed to the satisfaction of the people who currently use this access.

Please be sure to notify us of the public meeting as soon as a date has been established and please confirm receipt of this email. A meeting at the location may serve to illustrate the actual situation better than my description above.

Note: Mississippi Mills has indicated plans to reconstruct the bridge on the 9th Conc. N. This project may impact the ROW, as well.

Thank you for your consideration,

Anne

Home phone: 613-623-4778
Anne Freemark, P. Eng.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 20.3-ha vacant agricultural landholding as a lot addition to an agricultural operation owned by Claude Proc, together with a 9 m wide right-of-way from the 9th Con N Pakenham and to retain a 52.6-ha agricultural / residential landholding with access to Waba Road.

The subject lands are located in an area characterized by agricultural lands on large landholdings, intermixed with residential lots along Waba Road and 8th Con N Pakenham.

The lands to be severed are access via 9th Con N Pakenham, a municipally maintained road and the lands to be retained are accessed via Waba Road, a county maintained road.

Soils Inventory – Name: Rideau

- Stoniness: non stony
- CLI: 3 – moderately severe limitations
- Drainage: imperfectly
- Hydrogeology: high run-off

Bedrock Inventory – limestone, Dolostone, shale

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

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

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

- 3/ Woodlands

The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Town of Mississippi Mills.

Zoning

The subject property is currently within the agriculture section of the Zoning By-law, which limits the uses to agriculture. The proposed lot does not meet the minimum lot area or frontage. No new development for residential purposes is permitted. A Zoning amendment will be required.

Conclusion

The Provincial Policy Statement discourages development in prime agricultural areas and encourages lot consolidation for agricultural purposes. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – April 14, 2014**

Barbara Robertson, owner, Anne and Dave Freemark, adjacent landowners, owner attended the hearing and gave evidence under oath.

Ms. Robertson explained that her land are currently being rented by Mr. Proc who has entered into a purchase and sale agreement.

Mr. Freemark explained that the currently use the 30ft wide access to the Robertson lands as access to the southern portion of their lot as the Waba Creek bisects their lands. Ms. Freemark also advised that they do not have a legal agreement to access this r-o-w, only verbal information from the previous owner that they could continue to use it.

Moved by W Guthrie, and seconded by R Strachan: **THAT** the application be deferred to allow Ms. Robertson time to speak to Mr Proc to determine if the purchase and sale agreement could be amended to include and easement across the r-o-w in favour of the Freemark's. **Cd.**

(f) **ADDITIONAL INFORMATION**

April 15, 2015 – email from Barbara Robertson to Mary Kirkham

Further to our telephone conversation this morning, please be advised that I have discussed with the purchaser the option of adding the Freemark easement to the consent application. The purchaser does not want to enter this option at this time.

(g) **MINUTES – May 13, 2014**

Barbara Robertson, owner attended the hearing. The Chair advised Ms. Robertson that she was still under oath from the April 13, 2014 hearing.

Ms. Robertson advised that she and the purchaser were unable to come to a satisfactory agreement with the Freemark's to enable them to be a party to the application, thereby providing for an easement over a portion of the laneway giving access to the lands to be severed.

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.

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 Town of Mississippi Mills.
4. The applicant shall provide the Town of Mississippi Mills with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant to provide a digital copy of the registered reference plan in a .DWG file format to the Town of Mississippi Mills.
6. The applicant shall be required to rezone the severed lands to prohibit the construction of a residential dwelling on the lands and to provide relief from the minimum lot frontage and lot area.
7. That the applicant demonstrate to the Town of Mississippi Mills, that access can be provided to the severed parcel, and obtain an agricultural entrance permit to access the lands.
8. That the applicant enter into an agreement with TransCanada as set out in their letter of March 14, 2014. And that this agreement be registered on title.
9. A letter shall be received from the Town of Mississippi Mills stating that condition #3 through #7 has been fulfilled to their satisfaction.
10. A letter shall be received from TransCanada (Lehman & Associates) stating that condition #8 has been fulfilled to their satisfaction.

NOTES

1. *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 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: Genevieve Quesnel-Campbell **Hearing Date:** May 13, 2014
Agent: Tracy Zander, ZanderPlan Inc.
LDC File #: B14/009
Municipality: Town of Carleton Place
Geographic Township: N/A **Lot:** 56 & 57 **Plan:** 276
Roll No. 0928 010 020 05400 **Consent Type:** New Lot

Purpose and Effect: To sever 348.5 sq.m. residential building lot and retain a 535.5 sq.m. residential lot with an existing dwelling located at 65 Herriot Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant – Residential Residential	Vacant – Residential Residential
Area	348.5 sq.m.	535.5 sq.m.
Frontage	11.70 m	17.97 m
Depth	30.22 m	29.70 m
Road - Access to	Municipal Road	Municipal Road
Water Supply Sewage Disposal	Proposed Public System Proposed Public System	Public System Public System
Official Plan Designation -Conformity?	Residential Yes	
Development Permit By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Primary Residential Coverage 60% 10.6 m Yes	Primary Residential Coverage 60% 10.6 m Yes

(a) **APPLICATION REVIEW**

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

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

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

term care homes), recreation, park and open space and other uses to meet long-term needs:

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public a) the use of existing infrastructure and public service facilities should be optimized; and

b) opportunities for adoptive re-use should be considered, wherever feasible. service facilities.

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

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 8.2.2 Consents.

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

Local Official Plan – Section 2.0 Community Design Framework, Section 3.1 Mississippi District, Section 4.3,3 Transportation, Section 6.7.2 Consents

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

Development Permit By-law - Section 3 General Provisions, section 5.0 Residential

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

(b) AGENCY REVIEW

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

Town Planner's Report

SUMMARY

Consent Application B14/009, 65 Herriott Street, Genevieve Quesnel-Campbell.

A consent application has been received for the property known municipally as 65 Herriott Street as shown on the key map. The lot is located on the north side of Herriott Street, west of Thomas Street. The legal description for this property is Part Lot 56 & 57 Section A Plan 276, Town of Carleton Place.

The severed lot would be approximately 0.0349 ha with 11.7 m frontage on Herriott St and a depth of 30.22 m. The retained parcel is 0.0536 ha and has 17.97 m of frontage and a depth of 29.7 m. There is an existing single family dwelling on the retained parcel.

COMMENT

The Official Plan designation is Residential (R). This designation allows for a mix of housing types which complement the existing small town character. This includes single detached, semi-detached and townhouse style dwellings and apartment units. The Development Permit designation of the property is Residential. The effect of the severance will be to create an infill building lot which will allow for the construction of a single family. The retained and severed lot will both have the minimum lot frontage required under the Development Permit By-law.

Town of Carleton Place - 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 Town.
- 2/ That the applicant provides a digital copy of the reference plan (in NAD83 datum);
- 3/ That the applicant provides the Town with a building location surveyor surveyor's certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit By-law provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.
- 4/ That the applicant provides a Site Grading and Drainage Plan for the retained parcels to the satisfaction of the Town of Carleton Place.
- 5/ Satisfactory evidence shall be provided to the Town of Carleton Place by way of surveyors report to confirm the setback for all the existing buildings to the new property lines and existing property lines meet the Ontario Building Code and Development Permit By-law.
- 6/ The building elevations for the severed lot to be provided that demonstrate that the existing character of the neighbourhood is maintained.

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.

(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:

57 Herriott Street
Carleton Place, ON
K7C 2A6

RECEIVED
LANARK
COUNTY

April 3, 2014

APR 07 2014

Mary Kirkham, Planning Administrator
Lanark County
Administration Building
99 Christie Lake Road
Perth, ON K7H 3C

Clerk's Department

Dear Ms. Kirkham,

**Re: B14/009
Pt. Lot 56 & 57, Section A, Plan 276
Town Of Carleton Place**

As the owners of the other part of Lot 56 & 57 at 57 Herriott Street, we wish to express a number of concerns regarding the application by Genevieve Quesnel-Campbell for the above noted property.

A similar application for severance of this property was submitted by the previous owners, Richard Rolph Storto and Maria Storto, on September 9, 2002 (File No. B83/02). This request was refused by the County at that time for an even larger area (368.4 sq m.)

Our concerns at that time are still applicable to this current application, in addition to some new items:

- 1 where the severance line is shown, the existing house would have only a 3.25' setback from the new property line, which is less than the 3.9' setback required in the current Carleton Place by-law.
- 2 there is an existing deck and hot tub attached to 65 Herriott which encroaches into the new proposed lot by at least 3'.
- 3 there is an existing 4' drop in the grade elevation between the existing house and the proposed new lot, which at a 3:1 slope as per the current by-law, would encroach approximately 12' into the new property, thus making site drainage a significant problem even with the addition of new fill (this problem would then be shifted to the north side of the new lot adjacent to 57 Herriott creating flooding).
- 4 assuming a new 10' wide driveway on the east side of the new lot, in conjunction with the required 3.9' setback, the remaining available width for a buildable area

would be only 14'

- 5 these dimensional limitations would result in a 14' wide house that would have to be 60' long to achieve 600 sq.ft. of living space on one floor.
- 6 based on the current Carleton Place by-law, the proportions of the new house would not meet the intended criteria, nor would it fit the existing fabric of the Street.
- 7 the proposed severance would create an exceptionally small infill lot.
- 8 this marginal lot could reduce the value of the existing homes considerably.

The attached sketch demonstrates in site plan, and building elevation, the possible results of the proposed severance and the extreme challenges of developing the lot.

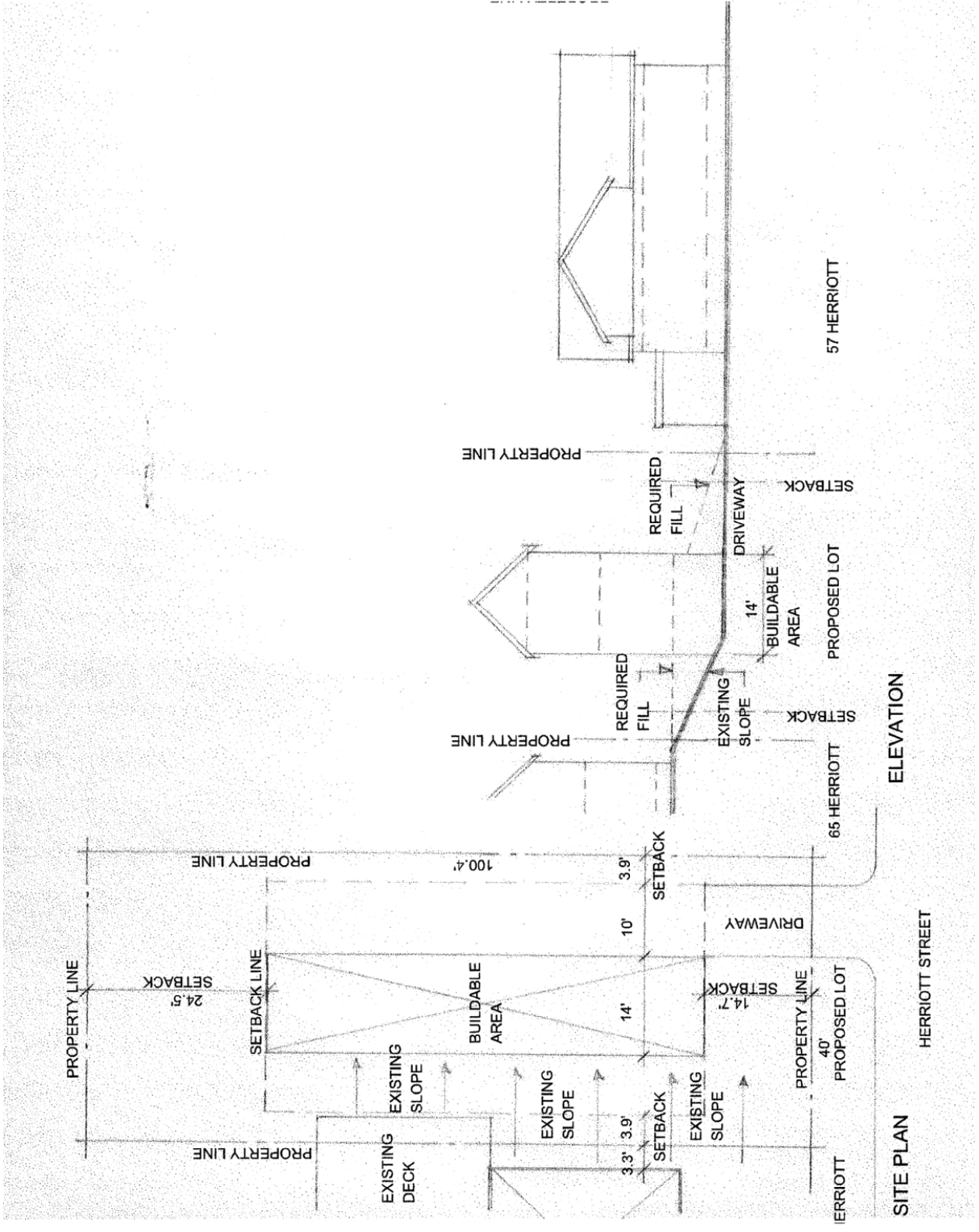
Based on these facts, we would respectfully request fair consideration, and strongly urge the Land Division Commission to reject this application.

We would appreciate being notified of any public meetings and also the Committee's decision.

Thank you for your time and attention to this matter

Audrey Brown
William Brown, P. Eng.

Audrey Brown
William Brown (P. Eng.)



(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever an 348.5 sq.m. residential building lot and retain a 535.5 sq.m. residential lot with an existing dwelling located at 65 Herriot St.

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

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

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

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

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

- 3/ Woodlands
Woodlands within the Town's limits are protected through a tree preservation plan which if required, is included within the Development Permit By-law process.

Development Permit

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*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of Town Development Permit By-law. The application can meet the consistent with test of the Provincial Policy Statement.

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

(e) **MINUTES – May 13, 2014**

Tracy Zander, agent, Katherine Brown (representing Audrey and William Brown) adjacent landowner and Chris Lascelle, building attended the hearing and gave evidence under oath.

Ms. Zander reviewed the comments submitted by the Browns, advising: that a preliminary survey and site plan has been prepared that shows that the setbacks are in compliance with the Town's Development Permit By-law, that the deck and hot-tub will be removed as they do not comply with the setback requirements; and that an engineer has been hired to prepare the necessary site grading and drainage plan. Ms. Zander also noted that the residential building will need to be compatible with the neighbourhood according to the DP By-law.

Ms. Brown expressed concerns with drainage and noted that they do not feel that a house of this size would be compatible with the neighbourhood.

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 or legal description of the severed lands and the deed or Instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement **within a period of one year** after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.
2. The applicant shall provide the Secretary-Treasurer of the Land Division Committee with a digital copy of the registered reference plan.
3. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town of Carleton Place.
4. That the applicant provide the Town of Carleton Place with a digital copy of the reference plan (in NAD83 datum).
5. The applicant shall provide the Town of Carleton Place with a building location surveyor's certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit By-law provisions. The surveyor's information shall include confirmation of adequate frontage and area for both the severed and retained parcels along the maintained road.

6. The applicant shall provide the Town of Carleton Place with a Site Grading and Drainage Plan for the severed and retained parcels to the satisfaction of the Town.
7. The applicant shall provide satisfactory evidence to the Town of Carleton Place by way of surveyors report to confirm the setback for all the existing buildings to the new property lines and existing property lines meet the Ontario Building Code and Development Permit By-law.
8. The applicant shall submit to the Town of Carleton Place the building elevations for the severed lot, to demonstrate that the existing character of the neighbourhood is maintained.
9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with the Town of Carleton Place in this regard.
10. The applicant shall obtain a Civic Address Number from the Town of Carleton Place. The applicant shall consult directly with the Town in this regard.
11. A letter shall be received from the Town of Carleton Place stating that condition #3 through #10 has been fulfilled to their satisfaction.

NOTES

1. *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 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: Regan Lee & Sheila Lee **Hearing Date:** May 13, 2014
Agent: Regan Lee
LDC File #: B14/014
Municipality: Town of Perth
Geographic Township: N/A **Lot:** 53 & 54 **Plan.:** 8828
Roll No. 092101003515700 **Consent Type:** New Lot

Purpose and Effect: To sever a 574.98 sq.m. residential building lot and retain a 606.06 sq.m. residential lot with an existing dwelling located at 35 Grant Street.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use	Vacant	Residential
Proposed Use	Residential	Residential
Area	574.98 sq. m.	606.06 sq. m.
Frontage	18.5 m	19.5 m
Depth	31.08 m	31.08 m
Road - Access to	Municipal Road	Municipal Road
Water Supply	Proposed Public System	Public System
Sewage Disposal	Proposed Public System	Public System
Official Plan Designation	Residential	
-Conformity?	Yes	
Zoning By-law Category	Residential 2 nd Density	Residential 2 nd Density
-Area Required (min.)	420 sq.m.	420 sq.m.
-Compliance?	Yes	Yes
-Frontage Required (min.)	14 m	14 m
-Compliance?	Yes	Yes

(a) **APPLICATION REVIEW**

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

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

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

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

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

1.6 Infrastructure and Public Service Facilities

Section 1.6.3 Before consideration is given to development new infrastructure and public a) the use of existing infrastructure and public service facilities should be optimized; and

b) opportunities for adoptive re-use should be considered, wherever feasible. service facilities.

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

County Official Plan – Section 2.0 Settlement Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 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 Basis of Plan, Section 5.2 Sewage and Water, Section 5.5.4 Local Roads, Section 6.0 Heritage, Section 8.3 Residential Area Designation, Section 9.11.15 Subdivisions, Consents and Part-lot Control.

The Town of Perth advises that the proposal conforms to the designations and policies of the Official Plan.

Zoning By-law - Section 4 General Provisions, Section 7.0 Residential Second Density. The Town of Perth advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Town Planner's Report

On behalf of the Town of Perth and pursuant to By-law No. 3344, (delegating authority to the Town's Planner), please be advised that, subject to the requested conditions being applied, the Town has no objection to a provisional consent being granted to the above noted application for the creation of a vacant lot with approximately 18.5m of frontage on Grant St and a lot area of roughly 575 sq. m.

Staff note, that to comply with the Zoning requirements of the Residential Second Density (R2) Zone the interior side yard for the existing dwelling should have a minimum width of 1.5 m, the exterior side yard setback must remain 4.5m (14.7 ft.) from Rogers Road and the front yard setback from Grant Street will be 6m (19.6 ft.) for development on the new lot. The driveway will have to be placed a minimum of 7 m (22.7 ft.) from the

intersecting street lines.

The applicant has paid the mail list fee and the consent review fee of \$350 required by the Town, I request that you provide the Town of Perth with a copy of the Committee's decision by forwarding same to the undersigned at the Town of Perth Planning Department. I confirm that the applicant has paid the mail list fee and the Town's review fee.

The proposed consent subdivides an over-sized residential parcel, and results in two residential lots with frontage on an existing street, that with access or existing connections to existing municipal water and sanitary sewer services. This represents a more efficient land use and complies with the intent of the Official Plan.

The proposal is also consistent with the site specific zoning provisions. Therefore the Town has no objection to the consent provided appropriate arrangements are made for the new vacant lot to connect to municipal services. The applicant may choose to install services before the lot is created or to acknowledge the need for their installation through a development agreement.

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

1. Two hard copies of the final reference plan and a digital copy of the reference plan shall be submitted to the Town of Perth prior to the final clearance letter being released. Alternatively, the applicant's solicitor shall undertake in writing to provide the Town of Perth with this information.
2. The lot line between the severed and retained parcels be a minimum of 1.5 m from the nearest point of the main wall of the existing dwelling or a minimum of 0.6 m from the nearest point of the eaves for the existing dwelling, whichever is distance is greater.
3. The Town confirm that any and all outstanding fees and taxes have been paid prior to the consent being completed.
4. The applicant install water and sanitary sewer connections and establish an entrance for the new lot or complete a development agreement with the Town of Perth to be registered on title of the severed/vacant lot to address the following:
 - i) The owner will be responsible for the installation of connections to the municipal water supply and sanitary sewer systems and all costs associated with such connections. All work plans and scheduling shall be submitted and approved in advance by the Town's Director of Environmental Services and completed to standards acceptable to the Town.
 - ii) The owner shall provide a grading and drainage plan to the Chief Building Official for the Town of Perth prior to construction on the lot and demonstrate to the satisfaction of said Building Official that development has been completed in accordance with the plan prior to the final release of any securities required under the agreement.
 - iii) The owner will acknowledge responsibility to construct and coordinate the creation of an entrance to the severed lot through the Town's Director of Environmental Services and to pay for any modifications or repairs to existing street infrastructure and boulevard, necessary for the entrance to be created.
 - iv) The submission of a security deposit will be required prior to work commencing and the value of the deposit will be based on the value of the required works at the time of construction.

NOTES

The applicant be advised that the exterior side yard setback on the new lot will be 4.5m (14.7 ft.) from Rogers Road and the front yard setback from Grant Street will be 6m (19.6 ft.) to comply with the Zoning requirements of the Residential Second Density (R2) Zone.

The driveway will have to be placed a minimum of 7m (22.7 ft.) from the intersecting street lines and the entrance to any garage on the new lot must be a minimum of 6m from the nearest lot line along a street.

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 514.98 sq.m. residential building lot and retain a 606.06 sq. m. lot with an existing dwelling located at 35 Grant Street.

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

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

Official Plan Policies

- 1/ Lanark County Sustainable Communities Official Plan - Section 8.2.2 Consents. Lanark County, through an appointed Land Division Committee is the approval authority for the issuance of consents.

Lot creation by consent shall be permitted where lot creation by plan of subdivision is deemed to be unnecessary.

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

- 2/ Perth Official Plan Policies for the Division of Land are found in Section 9.11.15 of the OP. The division of land by the consent process is intended for the creation of not more than two (2) new lots. A number of 'general policies' also apply to the division of lands, including: size and setbacks meet the requirements of the zoning by-law, studies as required, frontage on public road. There is no lot

creation date for the Town.

- 3/ Woodlands
Woodland policies are dealt with through Tree Conservation Plans and Site Plan Control.

Zoning

The subject property is currently within the Residential 2nd Density section of the Zoning By-law, which permits a number of residential uses, including single-detached dwellings. The proposed lot meet the minimum frontage and any dwelling constructed on the lands will be required to meet the minimum setbacks for front, rear and exterior side yards. Outlined in the Zoning By-law.

Conclusion

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

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

(e) **MINUTES – May 13, 2014**

Regan Lee, agent, attended the hearing and gave evidence under oath.

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

4. The applicant shall provide the Town of Perth with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
5. The applicant shall provide satisfactory evidence to the Town of Perth confirming that the lot line between the severed and retained parcels be a minimum of 1.5 m from the nearest point of the main wall of the existing dwelling or a minimum of 0.6 m from the nearest point of the eaves for the existing dwelling, whichever distance is greater.
6. The applicant install water and sanitary sewer connections and establish an entrance for the new lot or complete a development agreement with the Town of Perth to be registered on title of the severed/vacant lot to address the following:
 - i) The owner will be responsible for the installation of connections to the municipal water supply and sanitary sewer systems and all costs associated with such connections. All work plans and scheduling shall be submitted and approved in advance by the Town's Director of Environmental Services and completed to standards acceptable to the Town.
 - ii) The owner shall provide a grading and drainage plan to the Chief Building Official for the Town of Perth prior to construction on the lot and demonstrate to the satisfaction of said Building Official that development has been completed in accordance with the plan prior to the final release of any securities required under the agreement.
 - iii) The owner will acknowledge responsibility to construct and coordinate the creation of an entrance to the severed lot through the Town's Director of Environmental Services and to pay for any modifications or repairs to existing street infrastructure and boulevard, necessary for the entrance to be created.
 - iv) The submission of a security deposit will be required prior to work commencing and the value of the deposit will be based on the value of the required works at the time of construction.
7. The applicant shall obtain a Civic Address Number from the Town of Perth. The applicant shall consult directly with the Town in this regard.
8. A letter shall be received from the Town of Perth stating that condition #3 through #7 has been fulfilled to their satisfaction.

NOTES

1. *The applicant be advised that the exterior side yard setback on the new lot will be 4.5m (14.7 ft.) from Rogers Road and the front yard setback from Grant Street will be 6m (19.6 ft.) to comply with the Zoning requirements of the Residential Second Density (R2) Zone. The driveway will have to be placed a minimum of 7m (22.7 ft.) from the intersecting street lines and the entrance to any garage on the new lot must be a minimum of 6m from the nearest lot line along a street.*
2. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*

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

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

The Ministry of Natural Resources 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: Jack Helmer & Jeanine Helmer **Hearing Date:** May 13, 2014
Agent: Laurie Rintoul & Eleanor Rintoul
LDC File #: B14/015
Municipality: Township of Beckwith
Geographic Township: N/A **Lot:** 6 **Conc.:** 9
Roll No. 0924 000 035 10000 **Consent Type:** Easement

Purpose and Effect: To sever a 12.06 sq.m. parcel of land as an easement for underground utilities in favour of Laurie and Eleanor Rintoul at 126 Ave 4 – Pt. Lot 6 Conc. 9 Beckwith.

(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.

County Official Plan – Section 3.0 Rural Policies, Section 4.3.4 Local Roads, Section 4.4 Water and Wastewater, Section 7.3 Flooding and Erosion, 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 7.4 Private 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 12 Flood Plain 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

This is not a severance to create a new lot. Rather this is a severance to permit a long-term easement for infrastructure purposes.

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

- 1/ That the applicant provides the Township with a copy of the reference plan.

(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:

David Kenney – April 20, 2014

I wish to be notified of the public meeting for file B14/015.

I wish to be notified of the Land Division Committee decision for file B14/015.

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever 12.06 sq.m. parcel of land as an easement for underground utilities in favour of Laurie and Eleanor Rintoul at 126 Ave 4. The easement will run under the R-O-W owned by Jack and Jeanine Helmer to access a water supply located on other lands owned by Laurie and Eleanor Rintoul.

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.

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. The proposal is for a long-term easement for infrastructure purposes and does not affect the number of consent applications permitted per landholding.
- 3/ Woodlands
The proposal will not affect any woodland policies.

Zoning

The subject property is currently within the flood plain. The easement for utilities is not affected by the zoning.

Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposal is not affected by PPS policies.

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 – May 13, 2014**

David Kenney, adjacent landowner, attended the hearing and gave evidence under oath.

Mr. Kenney requested that he be given assurance that they would have continued use of the R-O-W. The Chair advised that provided the description of the R-O-W is included on his deed that the use should continue. The committee did however, agree to inclusion of a 'note' on the Provisional Decision, advising that this decision does not affect any existing legal r-o-w or easement over Avenue 4.

Mr. Kenney advised that there was no road association for the on-going maintenance and repair of Avenue 4.

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 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 lands being severed are for easement purposes only in favour of Laurie and Eleanor Rintoul, (126 Ave 4) Pt. Lot 6 Conc. 9 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. A letter shall be received from the Township of Beckwith stating that condition #4 has been fulfilled to their satisfaction.

NOTE:

1. *This decision does not affect any legal existing Right-of-Way and/or Easements over the Private Road, locally known as Avenue 4.*