



**MINUTES  
LAND DIVISION COMMITTEE**

The Land Division Committee met in regular session on Monday, December 16, 2013 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-2013-037**

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

**“THAT,** the minutes of the Land Division Committee meeting held on November 25, 2013 be approved as circulated.” **ADOPTED**

**4. ADDITIONS & APPROVAL OF AGENDA**

**MOTION #LD-2013-038**

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

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

**5. DELEGATIONS & PRESENTATIONS**

None.

## 6. COMMUNICATIONS

None

## 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. and 1:30 p.m. public hearings:

7.1.1 **B13/101, B13/102 and B13/103 – Elizabeth Matthews – 3 new lots.**  
Pt. Lot 12 Conc. 10 geographic Township of North Burgess, now in Tay Valley Township. Upper Scotch Line Road.

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

7.1.3 **B13/105 – Denis O'Connor & John Royle – lot addition**  
Pt. Lot 25 Conc. 2 Township of Montague. Acton Road.

7.1.4 **B13/110 – Matt & Carol McNeely – new lot**  
Pt. Lot 1 Conc. 9 geographic Township of Lanark, now in the Township of Lanark Highlands. Ferguson's Falls Road.

7.1.5 **B13/111 - Donald Hoddinott – lot addition**  
Pt. Lot 27 Conc. 11 geographic Township of Bathurst, now in Tay Valley Township. Hoddinott Lane.

7.1.6 **B13/119 – Gerald & Joan Barker – new lot**  
Pt. Lot 18 Conc. 2 geographic Township of Lanark, now in the Township of Lanark Highlands. Stewart-Gibson Road.

7.1.7 **B13/127 – Barbara Couch – new lot**  
Lot 66 Compiled Plan 276, Town of Carleton Place. Morphy Street.

7.1.8 **B13/141 – Crombie Property Holdings Ltd. – Easement**  
Pt. Lot 1, Pt. Lot 2, Pt. Lot 4 Pk Lot 4 Plan 8828, Town of Perth. Wilson & Dufferin Streets.

i) Applications Deferred and Awaiting a Decision

7.1.9 **B13/060 – Bob & Sarah MacFarlane – lot addition**  
Pt. Lot 23 Conc. 6 Township of Montague. Code Drive.

**8. CONFIDENTIAL REPORTS**

None

**9. NEW/OTHER BUSINESS**

**9.1 2014 Meeting / Hearing Dates**

The Secretary-Treasurer advised that the Council / Committee Meeting schedule has been revised in order to reduce the number of meetings per year. The Economic Development Committee, which the Planning Administrator reports to, has been changed from the first Wednesday of each month to the fourth Wednesday of each month. This creates a conflict in preparing reports for both the LDC and EDC the third week of each month. This conflict would be eliminated by changing the LDC to the second Monday of each month. (Schedule attached)

**MOTION #LD-2013-039**

**MOVED BY:** W Guthrie

**SECONDED BY:** D Murphy

**“THAT**, the 2014 Meeting / Hearing Schedule be changed to the second Monday of each Month in order to accommodate the revised Council / Committee Meeting Calendar;

**AND THAT** the Meeting Calendar be accepted as presented.” **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 B13/060 – Bob & Sarah MacFarlane – lot addition**

**10.1.2 B13/101, B13/102 and B13/103 – Elizabeth Matthews – 3 new lots.**

**10.1.3 B13/105 – Denis O’Connor & John Royle – lot addition**

**10.1.4 B13/111 - Donald Hoddinott – lot addition**

**10.1.5 B13/119 – Gerald & Joan Barker – new lot**

**10.1.6 B13/127 – Barbara Couch – new lot**

**10.2 PROVISIONAL CONSENT DEFERRED**

**10.2.1 B13/104 – Jan and Steve Griffiths – new lot**

**MOTION #LD-2013-040**

**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**

**10.2.2 B13/110 – Matt and Carol McNeely – New Lot**

**MOTION #LD-2013-041**

**MOVED BY:** d Murphy  
**SECONDED BY:** W Guthrie

“**THAT**, application B13/110 - McNeely be deferred;  
**AND THAT** the applicant be requested to obtain from the municipality a completed MDS Calculation in order to confirm that there is a suitable building envelope on the property for development.”

**ADOPTED**

**10.2.3 B13/141 – Crombie Property Holdings Ltd. – Easement**

**MOTION #LD-2013-042**

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

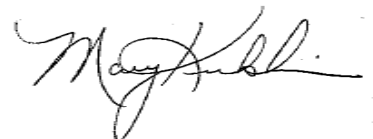
“**THAT**, application B13/141 – Crombie Property Holdings be deferred to provide the applicant with an opportunity to discuss the potential of an access easement with Mr. E Fox and that confirmation be obtained that HONI has an access easement for the sub-station located adjacent to the Crombie property.”

**ADOPTED**

**11. UPCOMING MEETINGS**

Monday, January 13, 2014 @9:00 a.m.;  
Monday, February 10, 2014 @9:00 a.m.; and  
Monday, March 10, 2014 @9:00 a.m.


**12. ADJOURNMENT – 12:05 p.m.**





Mary Kirkham,  
Secretary-Treasurer

# LANARK COUNTY

## 2014 Land Division Committee Meeting Calendar

 Statutory Holiday  
 Land Division Committee Meeting

 2014 OACA Conference Town of The Blue Mountains  
 2014 Fall Conference TBD

JANUARY						
S	M	T	W	T	F	S
					2	3 4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

MARCH						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

APRIL						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MAY						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

JULY						
S	M	T	W	T	F	S
			1	2	3	4 5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

AUGUST						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

SEPTEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

OCTOBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

DECEMBER						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**PUBLIC  
HEARING  
REPORTS**



**LAND DIVISION STAFF REPORT**

**APPLICATION FOR CONSENT**

**Owner:** Bob MacFarlane & Sarah MacFarlane      **Hearing Date:** November 25, 2013  
**Re-convened Hearing:** December 16, 2013

**Agent:** N/A

**LDC File #:** B13/060

**Municipality:** Montague

**Geographic Township:** Montague      **Lot:** 23      **Conc.:** 6

**Roll No.** 0901 000 025 01900      **Consent Type:** Lot addition

**Purpose and Effect:** To sever a 0.28-ha parcel of land as a lot addition to lands owned by Tammy Madaire and Guy Bahn at Pt. Lot 23 Conc. 6 Montague (510 Code Drive) and retain a 65.0-ha vacant landholding.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Residential – Lot addition	Vacant
<b>Area</b>	0.28 ha	65 ha
<b>Frontage</b>	N/A	283 m
<b>Depth</b>	29.9-33.5 m	29.9-33.5 m
<b>Road - Access to</b>	Municipal Road	Municipal Road
<b>Water Supply</b>	n/a	Private well
<b>Sewage Disposal</b>	n/a	Private Septic
<b>Official Plan Designation</b>	Rural & Woodlands	
<b>-Conformity?</b>	yes	
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	n/a lot addition	0.4-ha
<b>-Compliance?</b>		Yes
<b>-Frontage Required (min.)</b>		46 m
<b>-Compliance?</b>		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.

## **2.1 Natural Heritage**

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

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

Section 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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

## **3.1 Natural Hazards**

Section 3.1.1 Development shall generally be directed to areas outside of: (b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

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 General Development Policies, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

Zoning By-law - Section 3 General Provisions, Section 18 Rural Zone.

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

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

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

#### **Town Planner's Report**

Please be advised that I have reviewed the above noted consent application and it is my understanding that this severance application seeks to sever a 0.28 hectare (0.7 acre) parcel from lands owned by Sara and Bob MacFarlane and convey the lands as a lot addition to the rear of an adjacent 0.5 ha parcel owned by Guy Bahm and Tammy Madaire.



The lot to be enlarged is already developed and is located at 510 Code Drive, which is an opened Township Road. This application would retain a 65 hectare vacant lot. The severed, retained and enlarged lands are all designated Rural in the Township's Official Plan and zoned Rural in the Zoning By-Law. Since this application does not seek to enable new development, nor create a new lot, the proposal does not impact on any of the applicable Official Plan policies related to rural development or lot creation. A review of the Township's constraints mapping shows some significant woodlands and organic soils on the retained lands, however those features are located far from the proposed lot addition, which appears to be open field. There are no other planning constraints outlined as per the Official Plan. With regards to the zoning, the severed parcel is landlocked and too small to exist as its own lot; however the proposed enlargement of 510 Code Drive is supportable by the Township's zoning policies. This application has no adverse zoning impact on the retained lands.

Given the foregoing, Montague Township supports the above application provided that the conditions as indicated on the attached Municipal Reply Form are met. I trust this is satisfactory, if you require any further information please do not hesitate to contact me.

**Township of Montague** - 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.
- 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.
- The severed lands shall be for a lot addition only to adjacent lands as identified in the Application

**Conservation Authority** – Rideau Valley Conservation Authority

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

**PROPOSAL**

The proposal is to sever 0.28 hectares from the existing 65.28 hectare parcel. The severed parcel will then be conveyed to the adjacent property known municipally as 510 Code Drive.

**PROPERTY CHARACTERISTICS**

The severed parcel is mainly cleared. The retained parcel is a vacant lot which is mainly wooded with some unevaluated wetlands on the middle and northern portions of the property. The woodlands have been identified in the Township's Official Plan as Significant Woodlands. The southern portion of the parcel is mainly cleared. There are several watercourses traversing the property'.

**REVIEW**

**Natural Hazards**

There have been no natural hazards identified on this property which would preclude this application.

#### Natural Heritage Watercourses

Three watercourses have been identified traversing the retained parcel. The severance application is for a lot line adjustment and no new development is proposed. Therefore there is no anticipated impact on the watercourses.

#### Wetlands

There have been 3 unevaluated wetlands identified on the retained parcel. There is no new development proposed as a result of this application and there is a sufficient building envelope on the retained parcel well away from these natural features.

#### Woodlands

Portions of the retained parcel have been identified as Significant Woodlands in the Township's Official Plan. This application is for a lot line adjustment only and therefore the Conservation Authority is not recommending that an EIS be prepared in support of this application.

#### Conservation Authority Regulations

For the applicant's information the watercourses identified on the retained parcel are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner:

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

#### CONCLUSION

In conclusion, the Conservation Authority has no objections or conditions to this lot line adjustment application. Portions of the property are affected by the Conservation Authority's regulation and we have provided the above information in this regard for the applicants' awareness and consideration.

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

Severed – Flat, partially cleared land with visible bedrock in spots. The topsoil depth ranges from 0-50 cm. The drainage is fair. The topsoil is sandy loam. The severed land will be added to 510 Code Drive. There is an existing home with septic system at this address. There were no obvious signs of failure for the existing system.

Retained – A large property with no discernible slope. Sandy loam topsoil less than 50 cm deep over bedrock. Fair drainage. Partially cleared property. Severing this small piece of land will not negatively impact on-site sewage disposal on the retained land.

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

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

(d) **PLANNING REVIEW**

Background and Summary

The applicant proposes to sever a 0.28-ha parcel of land as a lot addition to lands owned by Tammy Madaire and Guy Bahn – Pt. Lot 23 Conc 6 Montague , being part 3 on Plan 27R-9312 – 510 Code Drive and retain a 65.0-ha vacant landholding.

The subject lands are located in an area characterized by rural residential intermixed with large landholdings along Code Drive.

The lands to be enlarged are accessed Code Drive, 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/ Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.

- 3/ Woodlands

The area has considerable land masses mapped as 'woodlands', however none are located on the lands to be severed. Woodland Development Policies have been established by the Township of Montague.

Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including single-detached dwellings. The lot to be enlarged is currently 0.53-ha, the additional lands will provide more flexibility for future development i.e. setbacks.

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 Montague and could be given favourable consideration.

(e) **MINUTES – November 25, 2013**

No persons attended.

**MOVED BY:** W. Guthrie

**SECONDED BY:** D. Murphy

"**THAT**, application B13/060 be deferred in order to obtain further information regarding the dimensions of the lands to be severed."

**ADOPTED**

(f) **MINUTES – November 25, 2013**

Sarah MacFarlane, owner, attended the hearing and gave evidence under oath.

Ms. MacFarlane advised that the lot configuration encompasses a fenced area. The neighbour's to the west of the lands to be enlarged are aware of the lot configuration.

Committee reviewed the staff report and draft conditions.

(g) **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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Tammy Lee Grace Madaire described as Part 3, Plan 279312, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the

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

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Montague stating that condition #4 and #5 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Rideau Valley Conservation Authority advises that the watercourses identified on the retained parcel are subject to Ontario Regulation 174/06. The Rideau Valley Conservation Authority administers Ontario Regulation 174/06 “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation” under Section 28 of the Conservation Authorities Act. This regulation affects the retained lands in the following manner: Any alteration, straightening, changing, diverting or interfering in any way with any watercourse requires the prior written approval from the Conservation Authority.*
2. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*The Ministry of Natural Resources 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.*



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.

## **2.1 Natural Heritage**

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

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

Section 2.1.4 Development and site alteration shall not be permitted in: (b) significant woodlands south and east of the Canadian Shield, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

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

## **2.2 Water**

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

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

## **2.3 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.

## **2.6 Cultural Heritage and Archaeology**

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has



been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

### **3.1 Natural Hazards**

Section 3.1.1 Development shall generally be directed to areas outside of: (b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

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 General development Policies, Section 3.2 Agriculture, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

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

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

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

#### **Township Planner's Comments**

The proposal is to sever three 1 ha parcels of land for residential building lots and retain a 26ha parcel with an existing cabin located at 123 Allan Mills Road.

Retain lot: 26 ha and severed lots 1.0 ha. All lots meet minimum zoning provisions.

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

1. That, the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That, the applicant pay any outstanding fees to the Township prior to final approval.
3. That, two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfers(s) be submitted to the Township.
4. That, the applicant submit to the Township the \$100 cash-in-lieu of parkland requirement for each new lot.

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

The Rideau Valley Conservation Authority has undertaken our review of this application within the context of Section 2. 1 Natural Heritage and 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 3 5-1 of the federal Fisheries Act.

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

#### Proposal

The application seeks approval for the creation of three 1-hectare lots fronting on Upper Scotch Line. The retained parcel has frontage on Upper Scotch Line as well as Allan's Mills Road and adjoins Grants Creek at the south lot boundary.

#### The Property

The area representing the proposed lots collects some local surface drainage from the higher rock outcrop to the rear/south of the proposed lot lines.

There is a small area of locally recognized wetland associated with the creek at the southwest corner of the retained parcel. Fish habitat for several warm water species has been identified along this reach of the creek.

The property is otherwise unremarkable insofar as our considerations for natural heritage and natural hazards and fish habitat are concerned.

#### Review Comments and Recommendations

The Rideau Valley Conservation Authority has no objection to the new lots as proposed. We understand that the MRSSO has addressed the drainage/high ground water concerns insofar as servicing is concerned.

In relation to the retained lands, we note that we support a standard 30 metre setback from the wetland and /or watercourse for any new development or site disturbance.

We also note for the owners information, that prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of Grants Creek as per our Regulation 1 74/06 ("Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation).

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

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted September 30 and October 1, 2013.

The applicant proposes to sever approximately a 1.00 hectare parcel, for the purpose of creating a new lot. The proposed area to be severed is vacant, open field with a hill towards the rear of the proposed lot. During the site visit on September 30, high ground water was encounter in the field. On October 1, the MRSSO had a geodetic elevation taken of the high groundwater using a Trimble R8 GPS Surveyor. The water elevation is 1 50.303m. The proposed use of the parcel is residential, No test pits were provided.

The retained parcel is approximately 26 hectares. The property is developed with a cabin and appears to be used as pasture land. No test pits were provided.

The topography and area for both the severed and retained lots are adequate to support the installation or replacement of an OBC compliant sewage system greater than 3Gm from all surface water bodies. For the purposes of sewage system design and approval, the high ground water elevation shall be determined at the time a sewage system application is submitted. A sewage system shall not be approved at an elevation lower

than 150.553m (high ground water = 150.303m + 0.25m for unsaturated sand fill) for the proposed lot. Tertiary treatment of the on-site wastewater is recommended as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment.

The severance will not interfere with the ability to install, replace, operate or maintain a sewage system in the future on either lot. Given the above information, our office has no objections to the severance as proposed.

An approved septic permit is required prior to the issuance of most building permits.

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

**Bell Canada R-O-W** – Subsequent to review by our local Engineering Department 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 objections 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 three (3) residential building lots and retain a 26.0-ha landholding with an existing cabin located at 123 Allan Mills Road. The lots to be severed will access Upper Scotch Line Road.

The subject lands are located in an area characterized by typical rural development – larger type landholdings intermixed with residential building lots.

The lands to be severed are accessed via Upper Scotch Line Road, a municipally maintained road. The retained lands are accessed via Allan's Mill Road, a municipally maintained road.

**Agricultural Operations**

Due to an agricultural operation being located on the retained lands, the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 37 m. The actual distance from the barn to the closest proposed lot line is shown by the applicant as 150m. A condition should be included to advise future purchasers of the farming operation and potential for noise, odours etc.

**Archaeological**

The lands are located within 300 m of Primary Water Source (Grants Creek) and therefore are subject to archaeological potential. However the lots to be severed are in excess of 400 m of the water source.

Soils Inventory – Name: Monteagle

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

Bedrock Inventory – granodiorite, granite, syenite.

### Official Plan Policies

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

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

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

- 2/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.
- 3/ Woodlands  
The area has considerable land masses mapped as 'woodlands', however, none on the severed lands. Woodland Development Policies have not been established by Tay Valley Township.

### Zoning

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

### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. The proposed lots are not located within a designated settlement area, and therefore fall under PPS Section 1.1.4. 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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – December 16, 2013**

Jennifer Dickson, on behalf of the applicant/owner, attended the hearing and gave evidence under oath.

Ms. Dickson requested that the notice of decision be sent to her, as Ms. Matthews is currently out-of-the country.

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.

**CONDITIONS: The same conditions apply to app three lots.**

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 lot is adjacent to an agricultural area and may therefore be subject to noise, dust, odours and other nuisances associated with agricultural activities".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicants shall satisfy all the requirements of Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.
6. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
7. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.

8. Payment of \$100.00 shall be made to Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
9. The applicant shall confirm that a residential entrance to the subject lot is viable. The applicant shall consult directly with Tay Valley Township in this regard.
10. The applicant shall obtain a Civic Address Number from Tay Valley Township. The applicant shall consult directly with the Township in this regard.
11. A letter shall be received from the Tay Valley Township stating that condition #4 through #10 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 Mississippi Rideau Septic System Office advises that for the purposes of sewage system design and approval, the high ground water elevation shall be determined at the time a sewage system application is submitted. A sewage system shall not be approved at an elevation lower than 150.553m (high ground water = 150.303m + 0.25m for unsaturated sand fill) for the proposed lot. Tertiary treatment of the on-site wastewater is recommended as it reduces the overall foot print of the sewage system and provides higher quality effluent prior to entering the environment.*
3. *The applicant / purchaser is advised that if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture. That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.*
4. *The Rideau Valley Conservation Authority advises that prior written approval of the RVCA is required prior to any altering, straightening, changing, diverting or interfering with the channel of Grants Creek as per our Regulation 1 74/06 ("Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation).*
5. *Tay Valley Township may require a completed MDS prior to the issuance of a Building Permit in accordance with the Ontario Building Code.*
6. *The County of Lanark advises that, prior to the issuance of a building permit, Development Charges must be paid in full.*
7. *Endangered Species Act, 2007, and Species at Risk in Ontario Background The ESA 2007 protects both species and habitat. Section 9 of the ESA "prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated". Section 10 of the ESA, 2007 prohibits damaging or destroying*

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

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

*The Ministry of Natural Resources 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: M.D. O'Connor and John Royle Hearing Date: December 16, 2013
Applicant: Michael Denis O'Connor
LDC File #: B13/105
Municipality: Montague
Geographic Township: N/A Lot: 25 Conc.: 2
Roll No. 0901 000 040 01803 Consent Type: Lot Addition

Purpose and Effect:

To sever a 2.19-ha parcel of land as a lot addition to lands owned by Michael Dennis O'Connor at 2506 County Road 43 and to retain a 0.816-ha residential building lot.

Table with 3 columns: DETAILS OF PROPOSAL, Land to be Severed, Land to be Retained. Rows include Existing Use, Proposed Use, Area, Frontage, Depth, Road - Access to, Water Supply, Sewage Disposal, Official Plan Designation -Conformity?, Zoning By-law Category, and various compliance metrics.

(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.

## **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.

## **3.1 Natural Hazards**

Section 3.1.1 Development shall generally be directed to areas outside of: (b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

County Official Plan – Section 6.1 Agricultural Resources, 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 General Development Policies, Section 6.1 Agricultural Resources Policies, Section 4.3 Township Roads, Section 5.2 Land Division.

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

Zoning By-law – Section 3 General Provisions, Section 18 Rural Zone.

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

## **(b) AGENCY REVIEW**

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

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

Please be advised that I have reviewed the above noted consent application and it is my understanding that the application seeks to sever a vacant 2.19 hectare (5.4 acre) parcel from lands owned by M.D. O'Connor and J.R. Royle and convey the lands as a lot addition to a much larger adjacent farm lot owned by Michael Dennis O'Connor. The vacant remnant parcel will be about 0.8 ha (2 acres) in size and will front on Acton Drive and is intended a future building lot. The remnant and severed lot combined formed one of three severances from a different area of land in 2011. Given that the severances are 'maxed out', and the fact that the severed lot has no road frontage, the severance can only be for the purposes of a lot addition.

The severed, retained and enlarged lands are all designated Agriculture in the Township's Official Plan and zoned Rural in the Zoning By-Law. While I understand the Agriculture designation in this area is in appeal before the Ontario Municipal Board, that matter should not affect this application since this application does not envision

additional residential development beyond what was already established prior to this Plan coming into effect. I should note however that according to the OP's constraints mapping, most of the severed and some of the retained lands are identified as containing potentially significant woodlands and organic soils. This would be a concern if the proposal envisioned a new building lot; however the severed lands are to be added to an already developed agricultural lot. The retained lands will now have a smaller building envelope than what was previously in existence however since the land to be removed is the 'less desirable' hazardous and forested land at the rear, the preferable building envelope near the road (and outside the mapped constraints) is still in place. The principle of development has already been established with the previous severance and I do not believe that the removal of the constrained lands from this lot would impact that. As such, I believe this application is consistent with the Township's Official Plan. Additionally, this application complies with the Township's Zoning By-law with respect to the severed, retained and enlarged lands.

Given the foregoing, Montague Township supports the above application provided that the conditions as indicated on the attached Municipal Reply Form are met.

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

- 1/ The balance of any outstanding taxes and fees owing shall be paid to the Township.
- 2/ The Applicant shall provide the Township with a registered copy of all reference plans associated with this application **if** a survey is required by the Registry Office.
- 3/ The severed lands shall be for a lot addition only to adjacent lands as identified in the Application

**Conservation Authority** – Rideau Valley Conservation Authority

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

Proposal

The proposal is to sever a lot from the existing parcel. The severed parcel is to be conveyed to the neighbouring property to the west.

PROPERTY CHARACTERISTICS

The severed and retained parcels are primarily wooded with a small clearing fronting Acton Road on the severed parcel.

REVIEW

Natural Hazards - Organic Soils

Portions of severed parcel have been identified as organic soils on Schedule B in the Township's Official Plan. In accordance with Section 2.19.2 of the Township's Official Plan, development is encouraged to be located in areas outside of areas identified as organic soils. In addition organic soils are considered as a hazardous site under Section 3.1 of the Provincial Policy Statement. The PPS also encourages

development to be located outside of hazardous sites unless it has been demonstrated that the hazard can be overcome.

We note that this application is for a lot addition and no new development lot is being created. The existing parcel was originally created by consent (B08/186 and B08/187). At that time, the application was reviewed under a different municipal Official Plan. Therefore at the time of the original application, organic soils had not been identified on this site. The Conservation Authority acknowledges that this is an application for a lot line addition only. While the Conservation Authority has no objection to the lot line addition application, it is strongly recommended that the applicant provide a geotechnical study for the severed parcel in accordance with the Township's Official Plan and the Provincial Policy Statement, to determine how/whether the natural hazard can be overcome to provide a suitable building envelope at the building permit stage.

#### Natural Heritage Significant Woodlands

The Conservation Authority notes that the entire severed parcel has been identified as Significant Woodlands in Schedule B of the Township's Official Plan. We acknowledge that this is an application for a lot addition and that the principle of development was already established through the previous consent applications (B08/186 and B08/187).

#### CONCLUSION

In conclusion, the Conservation Authority has no objections to this lot addition application. We have strongly recommended that the applicant provide a geotechnical study identifying the extent of organic soils on the severed parcel and whether a suitable building envelope is available or how the natural hazard can be overcome at the building permit stage.

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

Severed – An approximately 2.19 ha parcel of land consisting of bushland. Some areas may be subject to a high water table. Viewed as a lot addition.

Retained – An approximately 0.816 ha parcel of land consisting of grass and bushland. Slope and drainage vary and some areas may be subject to high water table and clay. Existing dwelling, drilled well and septic system (permit #56931).

The severance will not affect future replacement of the septic system. Additional sandy loam fill will be required in area of the replacement septic system in the future.

#### (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 2.19-ha parcel of land as a lot addition to lands owned by Michael Dennis O'Connor at 2506 County Road 43 and retain a 0.816-ha residential

building lot. Both lots are currently vacant. The original parcel was created by Consent No. B2008/186 and B2008/187.

The subject lands are located in an area characterized by typical large agricultural landholdings with intermittent residential lots. The agricultural designation on the Official Plan for the Township is currently under appeal with the Ontario Municipal Board. However, this application may proceed as no new lot is being created and the lands to be severed are being added to the existing agricultural operation.

Soils Inventory – Name: North Gower and Muck

- Stoniness: non stony
- CLI: 2 – moderate limitations
- Drainage: poor
- Hydrogeology: high run-off

Bedrock Inventory – Dolostone, sandstone

#### Agricultural Operations

Due to an agricultural operation being located on the adjacent lands (O'Connor and Hunter), the applicant was required to submit information to calculate the Minimum Distance Separation for the proposed lots. The MDS indicated a minimum setback of 234m and 264m. Any development on the retained lands will be required to meet the MDS Calculation setback requirement.

#### Official Plan Policies

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

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

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

- 2/ Montague Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: no lot creation on lands subject to natural hazards, no lot creation on lands where there would be a negative effect on natural features, size and setbacks appropriate to zoning designation, supporting studies as required, MDS separation, frontage on existing public road (or existing private roads). The lot creation date for Montague is January 1, 2001 no maximum applies to lands within designated settlement areas.
- 3/ Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by the Township of Montague.

### Zoning

The subject property is currently within the rural section of the Zoning By-law, which permits a number of uses, including agricultural use.

### Conclusion

The Provincial Policy Statement 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 Montague and could be given favourable consideration.

### (e) MINUTES – December 16, 2013

Dennis O'Connor and John Royle, owners, 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 Certificate of Consent "Schedule" attached to the deed / transfer required by Condition #1 above, shall include the following condition "The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Michael Dennis O'Connor described as Part Lot 25 Conc. 2 Township of Montague, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further

consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction”.

4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.
5. The applicant shall provide the Township of Montague with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. A letter shall be received from the Township of Montague stating that condition #4 through #5 has been fulfilled to their satisfaction.

#### **NOTES**

1. *The Rideau Valley Conservation Authority strongly recommends that the applicant provide a geotechnical study identifying the extent of organic soils on the severed parcel and whether a suitable building envelope is available or how the natural hazard can be overcome at the building permit stage.*
2. *Endangered Species Act, 2007, and Species at Risk in Ontario Background*  
*The ESA 2007 protects both species and habitat. Section 9 of the ESA “prohibits killing, harming, harassing, capturing, possessing, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated”. Section 10 of the ESA, 2007 prohibits damaging or destroying habitat of endangered or threatened species. Protected habitat is either based on general definition in the Act or prescribed through a regulation. The ESA 2007 defines general habitat as an area on which the species depends, directly or indirectly, to carry on its life processes, including reproduction, rearing, hibernation, migration or feeding.*

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

*The Ministry of Natural Resources 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:** Donald G. Hoddinott **Hearing Date:** December 16, 2013  
**Applicant:** George Bracken  
**LDC File #:** B13/111  
**Municipality:** Tay Valley Township  
**Geographic Township:** Bathurst **Lot:** 27 **Conc.:** 11  
**Roll No.** 0911 916 030 39000 **Consent Type:** Lot Addition

**Purpose and Effect:** To sever a 0.61-ha parcel of land as a lot addition to lands owned by Beverley Ann Hoddinott at Pt. Lot 27 Conc. 11 Bathurst – Pt. 1 on Plan 2 and retain a 58-ha vacant landholding.

<b>DETAILS OF PROPOSAL</b>	<b>Land to be Severed</b>	<b>Land to be Retained</b>
<b>Existing Use</b>	Vacant	Vacant
<b>Proposed Use</b>	Vacant	Vacant
<b>Area</b>	0.61 ha	58.0-ha
<b>Frontage - Water</b>	18.3	Irregular
<b>Depth</b>	130 m	1200 m
<b>Road - Access to</b>	Registered R-O-W	Private Road
<b>Water Supply</b>	Proposed Well	Proposed
<b>Sewage Disposal</b>	Proposed Septic	Proposed
<b>Official Plan Designation -Conformity?</b>	Rural & PSW Yes	
<b>Zoning By-law Category</b>	Rural	Rural
<b>-Area Required (min.)</b>	n/a – lot addition	1.0-ha
<b>-Compliance?</b>		Yes
<b>-Frontage Required (min.)</b>		60 m
<b>-Compliance?</b>		Legal non-conforming

**(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.

## **2.6 Cultural Heritage and Archaeology**

Section 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

Section 2.6.3 Development site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations.

## **3.1 Natural Hazards**

Section 3.1.1 Development shall generally be directed to areas outside of: (b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

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 General development Policies, Section 3.2 Agriculture, Section 3.4 Natural Heritage, Section 3.5 Natural Hazard, Section 3.6 Rural Policies, Section 4.4 Township Roads, Section 5.2 Land Division.

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

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

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

## **(b) AGENCY REVIEW**

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

### **Township Planner's Notes**

The proposal is to sever a 0.61-ha parcel of land for a lot addition to 272 Hoddinott Lane and retain a 58-ha vacant parcel.

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

1. That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
2. That the applicant pay any outstanding fees to the Township prior to final approval.



3. That two (2) copies of an acceptable reference plan or legal description of the severed lands and the deed/transfer(s) be submitted to the Township.

### **Township of Drummond/North Elmsley**

The Township has no objections or concerns with the application.

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

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

### PROPOSAL

It is our understanding that the purpose of the subject application is to sever a vacant 0.61 ha parcel of land with 18.3 m of water frontage, as a lot addition to the adjacent lands which are already developed. The retained land is a vacant 58.0 ha parcel of land, with frontage on the Mississippi River (in excess of the minimum requirement under the township's zoning by-law).

### PROPERTY CHARACTERISTICS

According to a review of GIS mapping and aerial photography, the proposed severed and retained lands have frontage on the Mississippi River. This section of the river has also been classified as a Provincially Significant Wetland (PSW) referred to as the *Playfairville - Mud Lake Complex*. In addition, unclassified wetland exists along the majority of the shoreline of the retained and appears to exist along the entire frontage of the severed lands. This wetland area extends from the river/PSW, into the retained and severed lands at varying depths. Formal flood plain mapping does not currently exist for this section of the river.

### REVIEW

#### Natural Heritage Values

#### PSW

Guidelines prepared in support of the Provincial Policy Statement (PPS) require that new development and site alterations, including the creation of new lots, within 120 m of a PSW only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or ecological functions of the features identified. Impacts are generally assessed through the preparation of an Environmental Impact Statement (EIS). However, given that there is sufficient area, on the proposed severed lands, to support future development beyond the 120 m adjacent lands, it is MVCA's opinion that there is limited value in conducting an EIS at this time.

In the event that future development is proposed within the 120 m adjacent lands to the PSW, an EIS may be required to evaluate such development.

### Waterbody and Unclassified Wetland

Sufficient area and water frontage appears to exist on the proposed retained lands to accommodate future development in compliance with the current standards for development adjacent to a waterbody and wetland. The severed lands are being added to a lot that is already developed with no new development proposed at this time.

With all of the above in consideration, no additional impacts to natural heritage features are anticipated as result of the subject application.

### Natural Hazards

#### Organic Soils

The poor drainage and unstable characteristics of organic soil makes it unsuitable for development. Therefore, development should be directed outside of areas containing organic soils. Sufficient area appears to exist on the proposed retained lands to accommodate future development outside of these areas. The severed lands are being added to a lot that is already developed. Therefore, organic soils are not considered a constraint to the subject application.

### CONCLUSION

With the above in consideration, MVCA does not have any objection to the subject application provided the following mitigative measures are implemented, for future development, on the retained lands:

1. Any new buildings or structures, including a septic system, shall be setback the greater of the following:
  - 30 m from the high water mark of the river or
  - 30 m from the boundary of the unclassified wetland associated with the river or
  - 120 m from the boundary of the PSW or as agreed upon through the preparation of an EIS
2. Given the presence of unclassified wetland and PSW along the waterfront, we recommend minimal disturbance of the vegetation in this area to access the shoreline. Prior to any clearing for water access, MVCA should be consulted to ensure that access is achieved in a manner that results in minimal impact to the wetland and shoreline.
3. With the exception of water access as agreed upon in (2.) above, the existing vegetated buffer along the shoreline of the river and wetland shall be maintained to a minimum depth of 15 m. The wetland and river shall otherwise remain undisturbed.
4. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, river or onto adjacent properties.

### NOTES

In the event that future development is proposed within the 120 m adjacent lands to the PSW, an EIS may be required to evaluate such development.

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

MVCA's Schedules for Ontario Regulation 153/06 have not been formally updated to include the subject section of river as a PSW. However, MVCA should be consulted prior to development or site disturbance as this update is anticipated, and written permission from MVCA may be required.

Any proposed works in or near the river and wetland should be reviewed by MVCA to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

**Septic Office** – Mississippi Rideau Septic Office

A review of the Consent Application was conducted to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code (OBC). A site visit was conducted September 30, 2013.

The applicant proposes to sever 0.61 hectare parcel, for the purpose of a lot addition to 272 Hoddinott Lane (Roll # 0911 916 030 39400). A new sewage system with tertiary level effluent was installed in 2012 (12V057). The proposed area to be severed has low lying wet treed lands with treed upland areas and exposed bedrock in the southern portion of the proposed lot addition. No test pits were provided.

The retained parcel is approximately 58 hectares. The property is currently vacant with open fields and heavy tree cover in areas. No test pits were provided. The severance as proposed will not interfere with the ability to install, operate or maintain an OBC compliant sewage system on either lot. Given the above information, our office has no objections to the severance as proposed.

An approved septic permit is required prior to the issuance of most building permits.

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

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

(c) **PUBLIC INPUT**

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

(d) **PLANNING REVIEW**

**Background and Summary**

The applicant proposes to sever a 0.61-ha vacant parcel of land as a lot addition to lands owned by Beverley Ann Hoddinott and retain a 58.0-ha vacant landholding. The lands to be enlarged are 0.71-ha which is less than the required minimum lot area. The additional lands will increase this lot to 1.32-ha which will then meet then minimum lot size required by Tay Valley Township.

The subject lands are located in an area characterized by scattered recreational type lots along the Mississippi River.

The lands are accessed via Hoddinott Lane, a private road which adjoins MacKay Line Road, a municipally maintained road.

#### Archaeological

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

#### Official Plan Policies

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

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

- 2/ Tay Valley Official Plan Policies for the Division of Land are found in Section 5.2 of the OP. The division of land by the consent process is intended for the creation of not more than three (3) new lots. A number of 'general policies' also apply to the division of land, including: size and setbacks appropriate to zoning designations, frontage on existing public roads (or existing private road for waterfront development), studies as required, MDS separation. The lot creation date for Tay Valley is January 1, 1986.

- 3/ Woodlands  
The area has considerable land masses mapped as 'woodlands', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have not been established by Tay Valley Township.

#### Zoning

The subject property is currently zoned Rural which permits a variety of uses including single family dwellings. The lot to be severed will increase the lot to be enlarged so that it meets the minimum lot size requirements of the zoning by-law.

#### 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 Tay Valley Township and could be given favourable consideration.

(e) **MINUTES – December 16, 2013**

No persons attended the hearing.

(f) **DECISION & CONDITIONS**

**DECISION:** PROVISIONAL CONSENT IS GRANTED

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

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 to be severed are for the purpose of a lot addition only to the adjacent lands owned by Beverley Ann Hoddinott described as Part 1, Plan 27R-1182, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction".
4. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.
5. The applicant shall provide Tay Valley Township with two copies of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide Tay Valley Township with two copies of the deed/transfer for the property.
7. 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.

8. A letter shall be received from Tay Valley Township stating that condition #4 through #7 has been fulfilled to their satisfaction.

**NOTES**

1. *The Mississippi Valley Conservation Authority advises that in the event that future development is proposed within the 120 m adjacent lands to the PSW, an EIS may be required to evaluate such development.*
2. *The MVCA also advises that the following mitigative measures should be implemented, for future development, on the retained lands:*
  - a) *Any new buildings or structures, including a septic system, shall be setback the greater of the following:*
    - *30 m from the high water mark of the river or*
    - *30 m from the boundary of the unclassified wetland associated with the river or*
    - *120 m from the boundary of the PSW or as agreed upon through the preparation of an EIS.*
  - b) *Given the presence of unclassified wetland and PSW along the waterfront, we recommend minimal disturbance of the vegetation in this area to access the shoreline. Prior to any clearing for water access, MVCA should be consulted to ensure that access is achieved in a manner that results in minimal impact to the wetland and shoreline.*
  - c) *With the exception of water access as agreed upon in (2.) above, the existing vegetated buffer along the shoreline of the river and wetland shall be maintained to a minimum depth of 15 m. The wetland and river shall otherwise remain undisturbed.*
  - d) *Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the wetland, river or onto adjacent properties.*
3. *The property owner should be advised that in the event shoreline work is proposed along the Mississippi River, written permission is required from MVCA pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*
4. *MVCA's Schedules for Ontario Regulation 153/06 have not been formally updated to include the subject section of river as a PSW. However, MVCA should be consulted prior to development or site disturbance as this update is anticipated, and written permission from MVCA may be required.*
5. *Any proposed works in or near the river and wetland should be reviewed by MVCA to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*
6. *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.*

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

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

*The Ministry of Natural Resources 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: Gerald & Joan Barker

Hearing Date: December 16, 2013

Agent: N/A

LDC File #: B13/119

Municipality: Township of Lanark Highlands

Geographic Township: Lanark

Lot: 18 Conc.: 2

Roll No. 0940 934 010 14100

Consent Type: New Lot

**Purpose and Effect:** To sever a 2.13-ha residential building lot and retain a 9.39-ha landholding with an existing dwelling located at 218 Stewart-Gibson Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use Proposed Use	Vacant Residential	Vacant Residential
Area	2.13 ha	9.39 ha
Frontage	60 m	217 m
Depth	350 m	265 m to 350 m - irregular
Road - Access to	Municipal Road	Municipal Road
Water Supply Sewage Disposal	Proposed Well Proposed septic	Private Well Private septic
Official Plan Designation -Conformity?	Hamlet Area Yes	
Zoning By-law Category -Area Required (min.) -Compliance? -Frontage Required (min.) -Compliance?	Settlement Area 1.0-ha Yes 50 m Yes	Settlement Area 1.0-ha Yes 50 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

Section 1.1.1.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

Section 1.1.3.3 Planning authorities shall identify and promoted 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 services facilities required to accommodate projected needs.

### **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 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 3.2 Village and Hamlet 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 9.0 Hamlet Zone.

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

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

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

#### **Township Planning Report**

##### **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 18 Concession 2, geographic Township Lanark, now in the Township of Lanark Highlands.

The applicant wishes to sever a 5.3 acre residential building lot and retain a 23 acre developed parcel commonly known as 218 Stewart Gibson Road.

The property is designated as Rural Communities on Schedule 'A' of the Township's Official Plan and zoned Rural on Schedule 'A 4' 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 above noted applications revealed no issues with regard to Mississippi Valley Conservation Authority's plan input and review program. We have therefore screened these applications out of our formal review process.

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

Severed – Approximately 5.25 acre parcel of land. Combination of brush, trees and bedrock. Slope and drainage vary with some areas having a steep slope. Additional sandy loam fill will be required in the area of the septic system.

Retained – Approximately 23.2acre parcel of land with existing dwelling, outbuilding, well and septic system. Combination of trees, brush and bedrock. Slope and drainage vary with some areas having a steep slope. The severance will not affect future replacement of the septic system. Additional sandy loam fill will be required in the area of the replacement of the 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 2.13-ha residential building lot and retain a 9.39-ha residential lot with an existing dwelling located at 218 Stewart Gibson Road. One consent was previously taken from the original parcel in 1992; however this is prior to the lot creation date in the Lanark Highlands Official Plan of March 2003.

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 Stewart-Gibson Road, 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', care should be taken in any development proposal to maintain the existing tree cover. Woodland Development Policies have been established by the Township of Lanark Highlands.

Zoning

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

Conclusion

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

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

(e) **MINUTES – December 16, 2013**

Gerald Barker, owner, 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 Township of Lanark Highlands.

4. The applicants shall satisfy all the requirements of the Township of Lanark Highlands, financial and otherwise, that may be required under established by-laws for consent applications.
5. The applicant shall provide the Township of Lanark Highlands with a copy of all reference plans associated with this application if a survey is required by the Land Titles Office.
6. The applicant shall provide the Township of Lanark Highlands a copy of the deed/transfer for the property.
7. Payment shall be made to the Township of Lanark Highlands representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1(3) of the Planning Act (Cash-in-Lieu of Parklands).
8. The applicant shall obtain an entrance location permit from the Township of Lanark Highlands. The applicant shall consult directly with the Township of Lanark Highlands in this regard.
9. The applicant shall obtain a Civic Address Number from the Township of Lanark Highlands. The applicant shall consult directly with the Township in this regard.
10. Sufficient land for Road Widening purposes shall be deeded to the Township of Lanark Highlands by registered deed, to meet the municipality's road widening requirements, at no cost to the Township. Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.
11. A letter shall be received from the Township of Lanark Highlands stating that condition #3 through #10 has been fulfilled to their satisfaction.

## **NOTES**

1. *The Leeds Grenville and Lanark District Health Unit advises that additional sandy loam fill will be required in the area of the septic system of the severed lands and in the area of the future replacement of the septic system (tile bed) 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 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:** Barbara Florence Couch **Hearing Date:** December 16, 2013  
**Applicant:** Barbara F Couch  
**LDC File #:** B13/127  
**Municipality:** Town of Carleton Place  
**Geographic Township:** N/A **Lot:** 66 **Compiled Plan** 276  
**Roll No.** 0928 010 010 13400 **Consent Type:** New Lot

---

**Purpose and Effect:** To sever a 516sq.m. residential building lot and retain a 511 sq.m. lot with an existing dwelling located at 141 Morphy St.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
<b>Existing Use</b> <b>Proposed Use</b>	Residential Residential	Residential Residential
<b>Area</b> <b>Frontage</b> <b>Depth</b> <b>Road - Access to</b>	516 sq. m. 14.66 m Irregular - 115.5 m average Municipal Road	511 sq. m. 14.63 m Irregular - 115.5 m average Municipal Road
<b>Water Supply</b> <b>Sewage Disposal</b>	Municipal Municipal	Municipal Municipal
<b>Official Plan Designation</b> <b>-Conformity?</b>	Residential Yes	
<b>Development Permit By-law</b> <b>Category</b> <b>-Area Required (min.)</b> <b>-Compliance?</b> <b>-Frontage Required (min.)</b> <b>-Compliance?</b>	Primary Residential  60% coverage  10.6 m Yes	Primary Residential  60% coverage  10.6 m Yes

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:

**1.1 Managing and Directing Land Use**

Section 1.1.1.b) Accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs:

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

Section 1.1.3.3 Planning authorities shall identify and promoted 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 services facilities required to accommodate projected needs.

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

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

Section 1.6.4.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas of 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 3.5 Residential 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**

A consent application has been received for the property located on the north side of Morphy Street, located between St. Paul Street and Ramsay Street as shown on the attached key maps.

The severed lot would be approximately 14.66 metres wide and 516 m<sup>2</sup>. The retained parcel would be approximately 14.63 metres wide and 511 m<sup>2</sup>. Access for both the retained and severed parcel will be from Morphy Street.

##### **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 a single family dwelling to be constructed. 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 Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit 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 a surveyor's report to confirm the setback for all the existing building 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 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.

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 516 sq.m. residential building lot and retain a 511 sq.m. residential lot with an existing dwelling located at 141 Morphy 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 Morphy 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 policies in the Town of Carleton Place are dealt with through OP Policies for "Street Trees" which may require that the application submit a tree preservation plan to support development of the lands.

#### Development Permit

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

#### Conclusion

The Provincial Policy Statements encourages development to occur in designated *settlement areas*. No new or additional infrastructure is required as a result of the proposal. The severed lands meet the minimum requirements of the Towns 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 – December 16, 2013**

Barbara Couch, owner, 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 Carleton Place.
4. That the applicant provide a digital copy of the reference plan in NAD83 datum to the Town of Carleton Place.
5. That the applicant provide the Town of Carleton Place with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed and the lands retained are in compliance with all Development Permit 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. That the applicant provides a Site Grading and Drainage Plan for the retained parcels to the satisfaction of the Town of Carleton Place.
7. Satisfactory evidence shall be provided to the Town of Carleton Place by way of a surveyor's report to confirm the setback for all the existing building to the new property lines and existing property lines meet the Ontario Building Code and Development Permit By-law.
8. That building elevations for the severed lot be provided to the Town of Carleton Place that demonstrate that the existing character of the neighborhood 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.