MINUTES
LAND DIVISION COMMITTEE

The Land Division Committee met in regular session on Monday, August 25, 2008 at 8:30 a.m. at the Lanark County Administration Building, Perth, Ontario.

Members Present: R. Strachan, D. Murphy and C. Tyson

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

The meeting was called to order at 8:30 a.m. A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2008-024

MOVED BY: D. Murphy
SECONDED BY: C. Tyson

"**THAT,** the minutes of the Land Division Committee meeting held on July 28, 2008 be approved as circulated." **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2008-025

MOVED BY: C. Tyson
SECONDED BY: D. Murphy

"**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 Secretary gave a verbal report for the following applications which had been previously heard by the Land Division Committee and are awaiting a decision:

7.1.1 **B08/043, Alan William Miller and Ivan Matthew Miller**
Pt Lot 19 & 20, Concession 1 geographic Township of Pakenham, now in the Town of Mississippi Mills. (2539 12th Conc. N Pakenham)
Tracy Zander, Agent for the applicant requested that the application be deferred to September 2008 to permit additional time to discuss with the Town of Mississippi Mill, their requested conditions.

7.1.2 **B08/058, Eugene Emory Simpson and Mildred Caroline Simpson**
Plan 6262 Lot 54, 55 & 56, in the Town of Almonte, now in the Town of Mississippi Mills. (Glass Street)

7.1.3 **B08/060 & B08/061, Brian Charles Miller & Beverly Marie Miller**
Pt West Lot 17 Concession 9, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Paul's Road)

7.1.4 **B08/066, B08/067 & B08/068, Francis E Badour & Normand E Dinelle**
Pt Lot 16 Concession 12, Pt 3 Plan 27R2471, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Ferguson's Falls Road) – *Defer to September 2008 – MVC review of EIS not completed.*

7.1.5 **B08/069, Stephen Stead Stewart & Linda Leigh Rusconi**
Part West ½ Lot 25 Concession 3, geographic Township of Lanark, now the Township of Lanark Highlands.(Highway 511)

7.1.6 **B08/070, Richard Barry & Deborah Anne Miskiman**
Part Lot 18 Concession 6, geographic Township of North Burgess, Plan 27R3077, now in Tay Valley Township. (231 Island View)

7.1.7 **B08/071, Estate of John George Poole**
Pt Lot 5 & 6 Concession 7, geographic Township of North Burgess, now in Tay Valley Township. (Sunset Ridge)

7.1.8 **B08/072, Alexander Donald & Glenna Ruby Stewart**
Part East Lot 13 Concession 1, geographic Township of Lanark, now in the Township of Lanark Highlands. (604 Dobbie Road)

7.1.9 **B08/074, George and Claudette Dallaire**
Lot 27 Concession 5, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Conc. 5 Pakenham)

7.1.10 **B08/075, John Samuel Henry & Jeanette Muriel Henry**
Pt. E ½ Lot 9, Concession 8, geographic Township of Pakenham, now in the Town of Mississippi Mills. (9th Conc. S Pakenham)

7.1.11 **B08/076, Kristen Wheeler**
Pt Lot 8 Concession 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (11th Con Dalhousie)

7.1.12 **B08/077, Estate of Ora Geneva McNeeley**
Pt Lot 11 Concession 7, Township of Beckwith. (8th Line Beckwith)

7.1.13 **B08/079, Douglas A & Gloria J Currie and Margaret M Ferguson**
Part West ½ Lot 13 Concession 1, geographic Township of Dalhousie, now the Township of Lanark Highlands.(1326 2nd Conc. Dalhousie)

7.1.14 **B08/080, Philip James Warland**
South Pt Lot 5, Concession 8, geographic Township of Pakenham, now in the Town of Mississippi Mills. (598 8th Con S Pakenham)

7.1.15 **B08/081 and B08/082, Douglas James Shaw**
Pt Lot 14 Concession 8, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 9A)

7.1.16 **B08/083 and B08/084, Barry Patrick Sullivan**
Plan 6262 Lot 65, Lot 91A, Lot 93A, Lot 94A and Lot 95 A, Town of Almonte, now in the Town Mississippi Mills. (Peterson Street) – *Deferred to September 2008 – comments from MVC and CPR not available.*

7.1.17 **B08/085, B08/086 and B08/087, Mervyn Edgar & Gail Helen Plaunt**
Pt Lot 14 Concession 8, geographic Township of North Elmsley, now in the Township of Drummond / North Elmsley. (Armstrong Road). *Defer to September 2008 – requires Hydrogeological report to determine quantity and quality of water.*

7.1.18 **B08/088, David Giff**
Part Lot 4 Concession 10, Township of Montague. (Roger Stevens Drive)

7.1.19 **B08/089 and B08/090, Claude and Cora Nolan**
Pt Lot 11 Concession 3 Park Lot 10, Franktown Plan, Township of Beckwith. (Powell Street)- *Deferred to September 2008 – Municipal comments not available.*

7.1.20 **B08/091, Donald Pierman, Gary Pierman and Kevin Pierman**
N Pt Lot 18 Concession 5, geographic Township of North Burgess, now in Tay Valley Township. (Narrow Locks Road)

7.1.21 **B08/092 and B08/093, Marilyn Fairhurst**
Pt Lot 24 Concession 12, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 12D) *Defer to September 2008 – Requires Environmental Impact Assessment.*

7.1.22 **B08/094 and B08/095, Timothy and Linda Vallee**
Part Lot 22 SW Lot 23, Concession 12 Part 1 RP27R-859, geographic Township of Drummond, now the Township of Drummond / North Elmsley. (Crampton Road) – *Defer to September 2008 – MVC Review not completed.*

7.2 APPLICATIONS PREVIOUSLY HEARD AND AWAITING A DECISION

None

8. NEW / OTHER BUSINESS

8.1 OACA Fall Conference - September 26 2008 Blue Mountain Resort, Collingwood. R. Strachan and D. Murphy expressed an interest in attending.

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

8.2 PROVISIONAL CONSENT GRANTED

8.2.1 **B08/058, Eugene Emory Simpson and Mildred Caroline Simpson**
Plan 6262 Lot 54, 55 & 56, in the Town of Almonte, now in the Town of Mississippi Mills. (Glass Street)

8.2.2 **B08/060 & B08/061, Brian Charles Miller & Beverly Marie Miller**
Pt West Lot 17 Concession 9, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Paul's Road)

8.2.3 **B08/069, Stephen Stead Stewart & Linda Leigh Rusconi**
Part West ½ Lot 25 Concession 3, geographic Township of Lanark, now the Township of Lanark Highlands.(Highway 511)

8.2.4 **B08/070, Richard Barry & Deborah Anne Miskiman**
Part Lot 18 Concession 6, geographic Township of North Burgess, Plan 27R3077, now in Tay Valley Township. (231 Island View)

8.2.5 **B08/071, Estate of John George Poole**
Pt Lot 5 & 6 Concession 7, geographic Township of North Burgess, now in Tay Valley Township. (Sunset Ridge)

8.2.6 **B08/072, Alexander Donald & Glenna Ruby Stewart**
Part East Lot 13 Concession 1, geographic Township of Lanark, now in the Township of Lanark Highlands. (604 Dobbie Road)

8.2.7 **B08/074, George and Claudette Dallaire**
Lot 27 Concession 5, geographic Township of Pakenham, now in the Town of Mississippi Mills. (Conc. 5 Pakenham)

8.2.8 **B08/075, John Samuel Henry & Jeanette Muriel Henry**
Pt. E ½ Lot 9, Concession 8, geographic Township of Pakenham, now in the Town of Mississippi Mills. (9th Conc. S Pakenham)

8.2.9 **B08/076, Kristen Wheeler**
Pt Lot 8 Concession 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (11th Con Dalhousie)

8.2.10 **B08/077, Estate of Ora Geneva McNeeley**
Pt Lot 11 Concession 7, Township of Beckwith. (8th Line Beckwith)

The hearing recessed at 12:15 p.m. and reconvened at 1:30 p.m.

8.2.11 **B08/079, Douglas A & Gloria J Currie and Margaret M Ferguson**
Part West ½ Lot 13 Concession 1, geographic Township of Dalhousie, now the Township of Lanark Highlands.(1326 2nd Conc. Dalhousie)

8.2.12 **B08/080, Philip James Warland**
South Pt Lot 5, Concession 8, geographic Township of Pakenham, now in the Town of Mississippi Mills. (598 8th Con S Pakenham)

8.2.13 **B08/081 and B08/082, Douglas James Shaw**
Pt Lot 14 Concession 8, geographic Township of Drummond, now in the Township of Drummond / North Elmsley. (Drummond Con 9A)

8.2.14 **B08/088, David Giff**
Part Lot 4 Concession 10, Township of Montague. (Roger Stevens Drive)

8.2.15 **B08/091, Donald Pierman, Gary Pierman and Kevin Pierman**
N Pt Lot 18 Concession 5, geographic Township of North Burgess, now in Tay Valley Township. (Narrow Locks Road)

9. ADJOURNMENT

The next meeting date was scheduled for September 22, 2008.

The meeting adjourned at 3:25 p.m.

Mary Kirkham
Secretary-Treasurer

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25 2008

Owner: Eugene E & Mildred C Simpson
LDC File #: B08/058
Township: Almonte
Municipality: Mississippi Mills
Lot: 54, 55 & 56 **Concession:** Plan 6262
Roll No. 0931 010 0126 06701
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.28-ha residential building lot and retain a 0.28-ha vacant residential building lot. The lands are accessed by an unopened road allowance (Glass Street). The lands front on the Mississippi River with a portion of each lot designated as Environmental Hazard lands.

DETAILS OF PROPOSAL	**Present Land Holding**	**Land to be Severed**	**Land to be Retained**
Existing Use **Proposed Use**	Vacant Residential	Vacant Residential	Vacant Residential
Area **Frontage** **Depth** **Road - Access to**	0.56-ha 64 m 92 m Glass Street	0.28-ha 32 m 92 m Glass Street	0.28-ha 32 m 92 m Glass Street
Water Supply **Sewage Disposal**	Piped water Sanitary sewers	Piped water Sanitary sewers	Piped water Sanitary sewers
Official Plan Designation **-Conformity?**	Residential and Hazard Geotechnical evaluation may be required		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Residential and Environmental Hazard 460 m^2 Yes 18 m Yes n/a	Residential and Environmental Hazard 460 m^2 Yes 18 m Yes n/a	Residential and Environmental Hazard 460 m^2 Yes 18 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

The following Provincial Interests were identified by the County Planning Approvals Administrator.

1.1.3 Settlement Areas – Planning authorities shall identify and promote opportunities for intensification, redevelopment and compact form.

1.6.4 Sewage and Water – municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promote, wherever feasible.

2.1 Natural Heritage – development and site alteration shall not be permitted in fish habitat, except in accordance with provincial and federal requirements. Development and site alteration shall not be permitted on adjacent lands to the natural features and areas identified, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

2.6 Cultural Heritage and archaeology – significant cultural heritage landscapes shall be conserved.

3.1 Natural Hazards – Development shall generally be directed to areas outside of River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards; hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

Official Plan – The Town of Mississippi Mills advises that the proposal complies with the existing Official Plan policies.

Zoning By-law - The Town of Mississippi Mills advises that the proposal meets the requirements outlined in the Town's Zoning By-law provided that the applicant obtains the necessary re-zoning to permit development on the severed lot.

EXTERNAL CIRCULATION COMMENTS

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

1. That the applicant provide a copy of the registered reference plan to the Town.
2. That the applicant pay any outstanding property taxes on the subject property.
3. That the property be placed in the appropriate zone to permit the development of the severed lot.
4. That the applicant enters into an agreement with the Town regarding the use and maintenance of the unopened road allowance.

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

PROPOSAL
According to the information provided, the purpose of the application is to sever a 0.28-ha residential lot and retain a 0.28-ha lot. Both the proposed severed and retained lots are vacant.

PROPERTY CHARACTERISTICS
The subject property fronts a section of the Mississippi River which represents a seasonal fish sanctuary that provides feeding and nursery habitat for a wide variety of fish species, including the River Redhorse Sucker. The River Redhorse Sucker has been ranked as a species of "Special Concern" by both the Ministry of Natural Resources and the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). It is also partially located within the Regulatory (1:100 year) flood plain and entirely located within the Regulation Limit of the Mississippi River. The shoreline is primarily bedrock with a steep slope angle measuring approximately 10-20 feet in height. The slope on the remainder of the property is flatter than a 4:1 slope angle. Soils mapping indicates that the subject property is comprised of loam soils.

MVC Regulations
The above noted property is regulated under Ontario Regulation 153/06 - *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. It is entirely located within the Regulation Limit of the Mississippi River and a portion of the property is subject to flooding during the Regulatory (1:100 year) flood. Under Ontario Regulation 153/06 written permission is required from MVC prior to the initiation of any construction or filling activity (which includes excavations, stockpiling and site grading) within the Regulation Limit or the 1:100 year flood plain of the Mississippi River, and also for alterations to the shoreline of the Mississippi River.

<u>Flood plain</u>
As previously indicated, a portion of the subject property is susceptible to flooding during a 1:100 year flood event. However, given that there is ample space to develop outside of the flood plain on both resulting lots, MVC does not have any objections to the subject application in this regard.

<u>Regulation Limit</u>
The extent of the Regulation Limit shown on MVC 's mapping for the subject property is due to the height and steepness of the slope. Generally, proposals to construct on properties which does not have a sufficient building envelope beyond a minimum 3:1 slope, must be supported by a Geotechnical Investigation. However, during a site investigation conducted by MVC Staff on August 15, 2008, we determined that there was sufficient space to locate future development beyond a minimum 3:1 slope. Therefore, a Geotechnical Investigation is not required for the subject application.

Species of "Special Concern"
As previously mentioned, a species of "Special Concern", namely the River Redhorse Sucker, has been identified on a section of the Mississippi River which provides frontage to the subject property. A species of special concern has characteristics that make it particularly sensitive to human activities. As per Provincial Policy and the Town of Mississippi Mills Official plan, an Environmental Impact Assessment (EIA) is required to assess potential negative impacts of development on such species. Therefore, in accordance with PPS requirements, we recommend that an EIA be prepared and submitted to MVC for review.

Size and frontage
Both of the resulting lots (severed and retained) meet with the current minimum area and frontage requirements set out in the Town of Mississippi Mills Zoning By-law.

CONCLUSION
MVC reserves further comments and recommendations pending a review of the anticipated EIA. The applicant should be advised that, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

On-Site Services (Septics) – n/a (municipal water and sewer)

Hydro One Networks – No comments were received.

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

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.

MINUTES OF PUBLIC MEETING
(August 25, 2008)

Gordon Pike and Bonnie Pike were present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. Mr. Pike advised that Hans Von Rosen of Pinegrove Biotechnical had been contracted to undertake the Environmental Impact Assessment requested by the MVC. And that arrangements are currently underway to enter into an agreement with the Town of Mississippi Mills for the future construction, use and maintenance of the unopened road allowance. Mr. Pike also confirmed that the applicant/purchaser would be responsible for the installation of water and sewer.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the applicant provide a copy of the registered reference plan to the Town of Mississippi Mills.

3. That the applicant pay any outstanding property taxes on the subject property to the Town of Mississippi Mills.

4. That the applicant apply to the Town of Mississippi Mills for the necessary zoning by-law amendment to permit development of the severed lot.

5. That the applicant provides an Environmental Impact Assessment (EIA) to assess potential negative impacts of development on the River Redhorse Sucker.

6. The applicant shall enter into a Development Agreement / Site Plan Agreement with the Town of Mississippi Mills the wording of which shall be to the satisfaction of the Town and the Conservation Authority, to address mitigative measures that may be required as a result of the EIA.

7. The applicant shall enter into an Agreement with the Town regarding the construction, use and maintenance of the unopened road allowance.

8. A letter shall be received from the Town stating that conditions #2 to # 7 have been fulfilled to their satisfaction.

9. A letter shall be received from the Conservation Authority stating that condition #6 has been fulfilled to their satisfaction.

NOTES:
The Conservation Authority advised that any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Brian Charles & Beverly Marie Miller
LDC File #: B08/060
Township: Drummond
Municipality: Drummond /North Elmsley
Lot: Pt 17 **Conc:** 9
Roll No. 0919 919 025 32800
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a residential building lot 0.72-ha and retain a 17.79-ha building lot with an existing shed. This application has been submitted concurrently with B08/061.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Residential	Vacant Residential	Vacant with shop Residential
Area **Frontage** **Depth** **Road - Access to**	18.51-ha 394 m 659 m Paul's Road	0.72-ha 60 m 120 m Paul's Road	17.79-ha 334 m 659 m Paul's Road
Water Supply **Sewage Disposal**	None None	Proposed Proposed	None None
Official Plan Designation **-Conformity?**	Rural		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance**	Rural 10.0-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural 10.0-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial interests were identified during the review of this application. An Environmental Impact Statement (EIS) was undertaken by Pinegrove Biotechnical (copy attached).The EIS concluded that the proposal would have few negative impacts upon the Natural Heritage Values of the area.
Conditions recommended:

1. The forested lands at the rear of the parcels and within 40 metres from the parcel boundaries to be protected from timber harvest, in order to preserve shelter and travel habitat for wildlife.

2. No grazing of domestic stock to be permitted within the forested area.
3. Future owners to be advised to prevent pet animals from running at large.

Official Plan – The Township of Drummond / North Elmsley advises that the proposal complies with the existing Official Plan policies.

Zoning By-law - The Township of Drummond / North Elmsley advises that the proposal meets the requirements outlined in the Township's Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

Township of Drummond / North Elmsley

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

1. That the balance of any outstanding taxes 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 is a survey is required by the Registry Office.
3. Sufficient land from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard. Paul's Road shall be upgraded to Township Standards for 45 m on each of the proposed lots and the retained lot and the location of the entrance shall be approved by the Road Superintendent.

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

According to the information provided, the purpose of the subject application is to sever two new vacant residential building lots measuring 0.72 ha each. The lot to be retained is 17.79-ha and is also vacant.

A large portion of the proposed retained land is located within the *Stewart Lake-Haley Lake Wetland Complex* which has been classified by the Ministry of Natural Resources (MNR) as a Provincially Significant Wetland (PSW). However, the proposed severed parcels are located outside of the PSW boundary as well as the 120 metre influence area of the PSW. A large portion of the proposed retained parcel is also located within the *Innisville Wetlands* which has been classified as an Area of Natural and Scientific Interest (ANSI) by MNR. The proposed severed parcels are not located within the ANSI boundary however they are located within the 50 metre influence area of the ANSI.

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of a PSW and within 50 metres of an ANSI, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the

ecological functions of the natural feature. In order to address this requirement an Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical on behalf of the applicant.

The EIS recommended approval of the proposed severances and concluded that they "would cause few negative impacts upon the Natural Heritage Values of the area". The report also recommended the following mitigative measures to address potential impacts of development on the subject property:

- The forested lands at the rear of the parcels and within 40 metres from the parcel boundaries shall be protected from timber harvest, in order to preserve shelter and travel habitat for wildlife
- No grazing of domestic stock shall be permitted within the forested area.
- Future owners shall be advised to prevent pet animals from running at large

MVC concurs with the recommendations of the EIS outlined above. However, in addition to these conditions, we recommend that any future development on the proposed retained lands occur outside of the influence area of the PSW and the ANSI. We do not have any objection to the proposed severances.

The property owner should be advised that a portion of the property is regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, written permission is required from MVC prior to the initiation of any interference within the Regulation Limit of the *Stewart Lake-Haley Lake Wetland Complex*.

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

LGL Health Unit
Severed Lands – Relatively flat mixture of treed and scrub land sloping from West to East. Sandy loan soil approximately 3 feet deep. Additional granular fill required in proposed tile bed area.
Retained Lands – Relatively flat mixture of treed and scrub land with no surface drainage problems. Sandy loan approximately 2 feet deep. Existing workshop located on lot. Satisfactory with intended purposes.

Hydro One Networks – No comments were received.

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

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.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Renny Burchill, agent for the applicant was present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. No further comments were presented.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the balance of any outstanding taxes shall be paid to the Township.

3. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Land Titles Office.

4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

5. The applicant shall construct/upgrade, at their expense, Paul's Road. This construction / upgrade shall be undertaken for a distance of 45 m on either side of the two proposed lots and shall continue to a distance of not less than 45 metres abutting the retained lands and shall include a provision for a turnaround. All road upgrades shall be performed under the direction and to the satisfaction of the Township Roads Superintendent.

6. The applicant shall obtain approval for the location and installation of a residential entrance to the lot.

7. The applicant shall enter into a development agreement with the Township, the terms of which are to be acceptable to the Township and Conservation Authority to implement

appropriate mitigative measures to regarding the Natural Heritage Values outlined in the EIS and as addressed by the Conservation Authority.

8. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 to #7 have been fulfilled to their satisfaction.

9. A letter shall be received from Mississippi Valley Conservation stating that condition #7 has been fulfilled to their satisfaction.

NOTES:

- *The LGL Health Unit advises that additional granular fill required in tile bed area.*

- *The MVC advises that any future development on the proposed retained lands occur outside of the influence area of the PSW and the ANSI.*

- *The MVC advises that a portion of the property is regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, written permission is required from MVC prior to the initiation of any interference within the Regulation Limit of the Stewart Lake-Haley Lake Wetland Complex.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Brian Charles & Beverly Marie Miller
LDC File #: B08/061
Township: Drummond
Municipality: Drummond /North Elmsley
Lot: Pt 17 **Conc:** 9
Roll No. 0919 919 025 32800
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a residential building lot 0.72-ha and retain a 17.07-ha building lot with an existing shed. This application has been submitted concurrently with B08/062.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Residential	Vacant Residential	Vacant with shop Residential
Area **Frontage** **Depth** **Road - Access to**	17.79-ha 334 m 659 m Paul's Road	0.72-ha 60 m 120 m Paul's Road	17.07-ha 274 m 659 m Paul's Road
Water Supply **Sewage Disposal**	None None	Proposed Proposed	None None
Official Plan Designation **-Conformity?**	Rural		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance**	Rural 10.0-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural 10.0-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial interests were identified during the review of this application. An Environmental Impact Statement (EIS) was undertaken by Pinegrove Biotechnical (See application B08/060).The EIS concluded that the proposal would have few negative impacts upon the Natural Heritage Values of the area.
Conditions recommended:

1. The forested lands at the rear of the parcels and within 40 metres from the parcel boundaries to be protected from timber harvest, in order to preserve shelter and travel habitat for wildlife.

2. No grazing of domestic stock to be permitted within the forested area.
3. Future owners to be advised to prevent pet animals from running at large.

Official Plan – The Township of Drummond / North Elmsley advises that the proposal complies with the existing Official Plan policies.

Zoning By-law - The Township of Drummond / North Elmsley advises that the proposal meets the requirements outlined in the Township's Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

Township of Drummond / North Elmsley

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

1. That the balance of any outstanding taxes 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 is a survey is required by the Registry Office.
3. Sufficient land from all parcels for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard. Paul's Road shall be upgraded to Township Standards for 45 m on each of the proposed lots and the retained lot and the location of the entrance shall be approved by the Road Superintendent.

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

According to the information provided, the purpose of the subject application is to sever two new vacant residential building lots measuring 0.72 ha each. The lot to be retained is 17.79-ha and is also vacant.

A large portion of the proposed retained land is located within the *Stewart Lake-Haley Lake Wetland Complex* which has been classified by the Ministry of Natural Resources (MNR) as a Provincially Significant Wetland (PSW). However, the proposed severed parcels are located outside of the PSW boundary as well as the 120 metre influence area of the PSW. A large portion of the proposed retained parcel is also located within the *Innisville Wetlands* which has been classified as an Area of Natural and Scientific Interest (ANSI) by MNR. The proposed severed parcels are not located within the ANSI boundary however they are located within the 50 metre influence area of the ANSI.

The Provincial Policy Statement (PPS) requires that new development, including the creation of new lots within 120 metres of a PSW and within 50 metres of an ANSI, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the natural feature. In order to address this requirement an Environmental Impact Statement (EIS) was prepared by Pinegrove Biotechnical on behalf of the applicant.

The EIS recommended approval of the proposed severances and concluded that they "would cause few negative impacts upon the Natural Heritage Values of the area". The report also recommended the following mitigative measures to address potential impacts of development on the subject property:

- The forested lands at the rear of the parcels and within 40 metres from the parcel boundaries shall be protected from timber harvest, in order to preserve shelter and travel habitat for wildlife
- No grazing of domestic stock shall be permitted within the forested area.
- Future owners shall be advised to prevent pet animals from running at large

MVC concurs with the recommendations of the EIS outlined above. However, in addition to these conditions, we recommend that any future development on the proposed retained lands occur outside of the influence area of the PSW and the ANSI. We do not have any objection to the proposed severances.

The property owner should be advised that a portion of the property is regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, written permission is required from MVC prior to the initiation of any interference within the Regulation Limit of the *Stewart Lake-Haley Lake Wetland Complex*.

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

LGL Health Unit
Severed Lands – Relatively flat mixture of treed and scrub land sloping from West to East. Sandy loan soil approximately 3 feet deep. Additional granular fill required in proposed tile bed area.
Retained Lands – Relatively flat mixture of treed and scrub land with no surface drainage problems. Sandy loan approximately 2 feet deep. Existing workshop located on lot. Satisfactory with intended purposes.

Hydro One Networks – No comments were received.

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

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.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Renny Burchill, agent for the applicant was present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. No further comments were presented.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the balance of any outstanding taxes shall be paid to the Township.

3. The applicant shall provide the Township with a registered copy of all reference plans associated with this application is a survey is required by the Land Titles Office.

4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

5. The applicant shall construct/upgrade, at their expense, Paul's Road. This construction / upgrade shall be undertaken for a distance of 45 m on either side of the two proposed lots and shall continue to a distance of not less than 45 metres abutting the retained lands and shall include a provision for a turnaround. All road upgrades shall be performed under the direction and to the satisfaction of the Township Roads Superintendent.

6. The applicant shall obtain approval for the location and installation of a residential entrance to the lot.

7. The applicant shall enter into a development agreement with the Township, the terms of which are to be acceptable to the Township and Conservation Authority to implement appropriate mitigative measures to regarding the Natural Heritage Values outlined in the EIS and as addressed by the Conservation Authority.

8. A letter shall be received from the Township of Drummond / North Elmsley stating that conditions #2 to #7 have been fulfilled to their satisfaction.

9. A letter shall be received from Mississippi Valley Conservation stating that condition #7 has been fulfilled to their satisfaction.

NOTES:

- *The LGL Health Unit advises that additional granular fill required in tile bed area.*

- *The MVC advises that any future development on the proposed retained lands occur outside of the influence area of the PSW and the ANSI.*

- *The MVC advises that a portion of the property is regulated under Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". Therefore, written permission is required from MVC prior to the initiation of any interference within the Regulation Limit of the Stewart Lake-Haley Lake Wetland Complex.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Stephen Stewart / Linda Rusconi
LDC File #: B08/069
Township: Lanark
Municipality: Lanark Highlands
Lot: 25 **Concession:** 3
Roll No. 0940 934 010 51500
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 2.02-ha residential building lot with an existing cabin and retain a 26.3-ha vacant landholding. The lands are accessed by Highway 511. The lands to be severed are bounded by Hydro One Networks tower lines to the north, the Little Clyde River to the south and County Road – Highway 511 to the west. The entire land holding is located within a Mineral Constraint Overlay designation.

DETAILS OF PROPOSAL	**Present Land Holding**	**Land to be Severed**	**Land to be Retained**
Existing Use **Proposed Use**	Cabin Vacant	Cabin Cabin	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	28.32-ha 786 m 610 m Highway 511	2.02-ha 177 m 177 m Highway 511	26.3-ha 609 m 610 m Highway 511
Water Supply **Sewage Disposal**	None None	None None	None None
Official Plan Designation **-Conformity?**	Rural and Mineral Constraint Overlay Yes		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes N/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response. The Township of Lanark Highlands also identified Provincial Interests, which have been reviewed by the Ministry of Northern Development and Mines.

Official Plan – The Township of Lanark Highlands advises that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Township of Lanark Highlands advises that the proposal meets the requirements outlined in the Township's Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

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

1. That development charges shall be paid in full prior to the issuance of a building permit.
2. That a Civic Address Sign be required for the severed land prior to a building permit being issued.
3. That property taxes be paid in full.
4. That Cash-in-Lieu of Parklands be paid to the Township per By-law No. 2005-575.

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

According to the information provided, the purpose of the application is to sever a 2.02-ha residential building with an existing cabin and retain a vacant 26.3-ha landholding.

A review of available mapping shows that the subject property has frontage on the Little Clyde River which is a warm water fishery providing habitat for pike, walleye, bass and a variety of forage fish species. The presence of this watercourse was confirmed during a site visit conducted by MVC staff on August 15, 2008. The proposed severed parcel is well treed with the exception of a clearing for a small cabin and access road. The descent to the river is relatively high and steep and appears well vegetated and undisturbed. The proposed retained lands are also well treed with the exception of a clearing for existing hydro lines and an access road. There is no flood plain mapping for the Little Clyde River. Therefore, the property does not consist of a regulated flood plain.

Both of the resulting lots (severed and retained) meet with the current minimum frontage and area requirements set out in the Township of Lanark Highland's Zoning By-law. In addition, sufficient area appears to exist to accommodate future development on both the severed and retained lots.

With all of the above in consideration, MVC does not have any objection to the proposed severance provided the following mitigative measures are implemented for any future development:

1. A minimum 30 metre setback from the river shall be maintained for future structures and a septic system.
2. In order to mitigate the effects of erosion and surface runoff on the river, the existing vegetation along the shoreline shall be retained to a minimum depth of 15 metres. This is particularly important on the slope leading to the river given the height and steepness of this slope.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the river or onto adjacent properties.

Since formal flood plain mapping has not been completed for the Little Clyde River, construction or filling activities (excavating, site grading or stockpiling of fill) above the seasonal high water mark of this river are not currently regulated by MVC. However, the property owner should be advised that in the event that shoreline work is proposed, written permission is required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". In addition, any proposed works in or near the river should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands - gently rolling treed covered land with no soil drainage problems. Existing cabin located on the property. Sandy loam soil approximately 2 feet deep. If septic system is proposed then additional granular fill will be required in proposed tile bed area.
Retained Lands – rolling treed covered land with no soil drainage problems. Sandy loam soil, variable depth. Satisfactory for intended purpose.

Ministry of Northern Development and Mines – The area shown as a Mineral Constraint Overlay encompasses the location as a known occurrence of zinc and outlines favourable geology for potential additional mineral occurrences.
However, having reviewed the application with detailed information on file with the office, the Ministry of Northern Development and Mines has no concerns with the proposed severance.

Hydro One Networks – No comments were received.

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

County of Lanark / Public Works Department – Applicant has an approved existing entrance to the retained lands (#2121) and an approved entrance location to the severed lands (#2177). Entrance must be installed prior to deed endorsement. Road Widening not required.

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.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Morley Stewart, attended on behalf of Stephen Stewart, was present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. No further comments were provided.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

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

3. Payment shall be made to the Township of Lanark Highlands of an amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act.

4. That the applicant enter into a Development Agreement to implement mitigative measures recommended by Mississippi Valley Conservation regarding Natural Features and development of the lands, with the Township of Lanark Highlands, the wording of which shall be satisfaction to the Township and Mississippi Valley Conservation.

5. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.

6. A letter shall be received from the Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.

7. A letter shall be received from the Mississippi Valley Conservation stating that condition #4 has been fulfilled to their satisfaction.

8. A letter shall be received from the County of Lanark Public Works Department that condition #5 has been fulfilled to their satisfaction.

NOTES:

The Township advises that, prior to the issuance of building permits for the lot to be severed; civic address signs must be obtained.

The Health Unit advises that additional granular fill may be required in the tile bed area.

The MVC advises that the property owner be advised that in the event that shoreline work is proposed on the tributary in the future, written permission may be required from MVC

pursuant to Ontario Regulation 153/06 – "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

The MVC advises that, in accordance with MVC's Level II fish habitat agreement with the Department of Fisheries and Oceans, MVC is responsible for evaluating proposed works as to their impact on fish habitat in our watershed. Therefore, any proposed works in or near the tributary should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Richard and Deborah Miskiman
LDC File #: B08/070
Township: North Burgess
Municipality: Tay Valley
Lot: 18 **Concession:** 6
Roll No. 0911 911 020 46000
0911 911 020 46300
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 1693 m^2 vacant seasonal residential lot and retain a 1667 m^2 lot with an existing seasonal residence. The lands are accessed by a private right-of-way (Island View) owned by G Fox. The lands were purchase in 1999 under two separate deeds and were merged on title with conversion to the Land Titles system.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Residential Residential	Vacant Residential	Residential Residential
Area **Frontage** **Depth** **Road - Access to**	3360 m^2 63.93 m 48.5 m Island View (ROW)	1693m^2 33.86 m 48.5 m Island View (ROW)	1667m^2 30.07 m 48.5 m Island View (ROW)
Water Supply **Sewage Disposal**	Lake Septic System	Lake Septic System	Proposed proposed
Official Plan Designation **-Conformity?**	Seasonal Residential No – section 5.2.2.12		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Seasonal Residential 4050m^2 No 60 m No n/a	Seasonal Residential 4050m^2 No 60 m No n/a	Seasonal Residential 4050m^2 No 60 m No n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

The following Provincial Interests were identified by the County Planning Approvals Administrator.

1.6 Infrastructure and Public Service Facilities
- planning for sewage and water services.
The Mississippi-Rideau Septic office has indicated that individual on-site sewage and

water facilities are appropriate, provided all development takes place according to applicable regulations.
Approval of a sewage disposal system on an undersized lot does not justify its creation. The cumulative effect of the installation of another septic system in an area of dense development, without further assessment of the lake's development capacity is not appropriate.

2.1 Natural Heritage
- natural features and areas shall be protected for the long term.
Without the benefit of an Environmental Impact Assessment and/or Statement for significant habitat, endangered species, threatened species, wildlife habitat, ecological features, natural heritage features, etc. it is difficult to make a determination of the long term effects of the proposed development on natural heritage.

2.2 Water
- planning authorities shall protect, improve or restore the quality and quantity of water.
No assessment of the lake's development capacity has been undertaken.

2.6 Cultural Heritage and Archaeology
- significant built heritage resources and significant cultural heritage landscapes shall be conserved.
An "Archaeological Potential" checklist has not been completed; however the lands are located within 300 metres of water and a primary water source.

Official Plan – Tay Valley Township advised that the proposal conforms with the designations and policies of the Official Plan.

Note: Section 5.2.2.12 of the Tay Valley official Plan states that "No land division shall create a lot which cannot comply with minimum water setback and minimum water frontage requirements contained in the Development Adjacent to Water Bodies section of this Plan".
However, the Township advised that "Although Council recognizes creation of new lots offering the size and frontage proposed in this application shall comply with section 5.2.2.12 of the Official Plan, sympathy for the applicant was expressed given the merger of 2 pre-existing adjacent lots".

Zoning By-law – Tay Valley Township advised that the proposal DOES NOT comply with zoning by-law regulations.

The proposed lot would have less than the minimum lot area and lot frontage requirements of the Zoning By-law. In order to give relief from the minimum lot area and lot frontage requirements, a zoning by-law amendment would be required to rezone the property from RS to RLS – special exception. The zoning amendment, which is required prior to any new development on a vacant waterfront lot zoned RS, should also give relief from the minimum side yard requirements (as identified through a review of the concurrently zoning amendment application). All other provisions, including water setback, appear to have been met with the zoning proposal.

An application for re-zoning was submitted and the required public hearing was held on June 24, 2008. Decision was deferred pending the outcome of the Consent Hearing and decision.

EXTERNAL CIRCULATION COMMENTS

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

1. Payment of all taxes owning and all costs incurred by the Township for review of the application.
2. Copy of the deed/transfer and two copies of the reference plan.

Conservation Authority – Rideau Valley Conservation Authority
The subject application for consent has been reviewed by the Rideau Valley Conservation Authority and a site inspection was completed. We have undertaken our review based on issues related to the environmental and municipal policy aspects of this application.

The proposal involves the creation of a new parcel on Black Lake. The proposed severance will create a lot of 0.42 acres and retained a lot of 0.36 acres. The proposed water frontage on the severed portion is 33.86 metres while the retained is 30 metres. The municipal planning documents require a minimum of 196 feet (60 metres) of water frontage and 1 acre. There is an existing dwelling on the retained portion while the proposed severed portion is vacant and subject to a concurrent zoning amendment.

We understand the lands were merged in the last 5 to 10 years and were originally two separate parcels. The RVCA participated in the review and update of the currently Official Plan which requires 60 metres or 196 feet of water frontage. Many of the Municipalities in the Rideau Watershed require a minimum 90 metres of frontage in order to protect and maintain water quality. Standards for waterfront properties including frontage were established to support and maintain lake capacity and sustainable development.

Section 5.2.2.12 of the Official Plan states “No land division shall create a lot which cannot comply with minimum water setback and minimum water frontage requirements contained in the Development Adjacent to Water Bodies section of this Plan”. The Official Plan requires a minimum of 60 metres for water frontage. We have attached a recent decision from the Ontario Municipal Board which outlines the rationally in regard to the creation of undersized lot. We understand that the applicant has attempted to acquire land to the rear of the lot to increase the lot size which may result in less intensification of the waterfront and comply with the minimum lot size. Regrettably in light of the recent OMB decision, the RVCA does not support this application as presented or a precedent of allowing lots with deficient water frontage.

Please advise us on the Committee’s decision respecting this application or any changes in the status of the application.

ONTARIO MUNICIPAL BOARD DECISION
PL080461
IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:
Rideau Valley Conservation Authority
Township of Rideau Lakes

Applicant: Gerald Hibbard

Subject: Consent

Property Address/Description: Lot 25, Conc. 4

Municipality: Township of Rideau Lakes
OMB Case No.: PL080461
OMB File No.: PL080461
Municipal No. B-153/07
A P P E A R A N C E S :
Parties Counsel
Township of Rideau Lakes - T. J. Wilkin
Rideau Valley Conservation Authority - T. J. Wilkin
Gerald Hibbard

MEMORANDUM OF ORAL DECISION DELIVERED BY J. R. AKER ON JUNE 26, 2008 AND ORDER OF THE BOARD __

Gerald Hibbard is the owner of a waterfront lot located at Part Lot 25, Concession 4, Township of Rideau Lakes-South Elmsley Ward with frontage on Bass Lake.
Mr. Hibbard made an application to sever an area of 1.12 acres with 125 feet of water frontage and containing an existing cottage. The retained parcel would be approximately 0.9 acres in size with 100 feet of water frontage and vacant of any buildings.
On March 19, 2008, the Land Division Committee of the United Counties of Leeds and Grenville granted provisional consent. The Township of Rideau Lakes Ontario Municipal Board

(Township) and the Rideau Valley Conservation Authority (RVCA) both appealed this decision to the Board.

POSITION OF GERALD HIBBARD (APPLICANT)

Mr. Hibbard provided the Board with a history of the subject property. His father purchased a property on Bass Lake in 1965 with a water frontage of 125 feet (Property 1) and an adjacent property in 1966 with a water frontage of 100 feet (Property 2). His father purchased four more properties to the rear of the first two lakefront properties from 1973 to 1993 (Properties 3, 4, 5 and 6) as set out in Exhibit 9 creating the total holding of approximately 2 acres. In 2006, the entire property was transferred into the
applicant's name (Exhibit 12).
The evidence of Mr. Hibbard is that his father believed that he owned two separate waterfront lots and the applicant understood that they were two separate lots.
He has paid two separate tax bills on the property and provided a map from the Assessment Division depicting two separate role numbers of 03358000 and 03358100 (Exhibit 13 B).
Mr. Hibbard stated that the purpose of attending at the Land Division Committee was to determine the boundaries of two relatively equal lots that would be similar in size and water frontage to the existing cottage lots along the westerly shoreline of Bass Lake.
Lastly, Mr. Hibbard stated that the Land Division Committee granted this consent as a "technical severance" and his opinion is that the proposed severance is consistent with the *Planning Act* as it will create lots of sufficient size for wells and septic systems.

POSITION OF THE TOWNSHIP AND THE RVCA

In this hearing, the Township relied on the evidence of Mr. Sheldon Laidman, the Manager of the Development Services Department of the Township of Rideau Lakes, to provide opinion planning evidence in opposition to the proposed severance.
The evidence of Mr. Laidman is that the Township Planning Committee reviewed the application on November 21, 2007 and recommended that it be denied since the lot creation did not comply with the

Official Plan and Zoning By-law for lot size and frontage. This recommendation was later endorsed by the Council of the Township and the recommendation forwarded to the Land Division Committee.
Similarly, the RVCA reviewed the application and sent a recommendation dated November 29, 2007 which states:
The RVCA participated in the review and update of the current Official Plan which requires 60 metres or 200 feet of water frontage. Many of the Municipalities in the Rideau Watershed require a minimum 90 metres of frontage in order to protect and maintain water quality. Standards for waterfront properties including frontage were established to support and maintain lake capacity and sustainable development.
And further that:
The Official Plan requires a minimum of 60 metres for water frontage. The RVCA does *not* support a precedent of allowing lots with deficient water frontage along this sensitive shoreline. We cannot support this application as presented.
In the opinion of Mr. Laidman, both the Township and the RVCA recommended the denial of the application and provided clear reasons for the denial of the application. Mr. Laidman referred to the Objectives of the Official Plan of the Township and, in particular, Section 1. 3. 3. 3, which encourages development which is environmentally sensitive and which maintains or improves water quality and the shoreline environment.
In his opinion, this objective is implemented in the policies of the Official Plan. Mr. Laidman took the Board to Section 2. 2. 3. 3. 1 under Water Frontage which states:
As a general rule, the minimum water frontage for any new waterfront lot shall be 60 metres. This requirement may be increased where lake-specific or site-specific conditions suggest that it would be appropriate and shall be implemented through the Zoning By-law.
Mr. Laidman referred to Section 5. 2. 2. 13 under Land Division General Policies which states:
No land division shall create a lot which cannot comply with the minimum water setback and minimum water frontage requirements contained in the Waterfront Development Policies section of this Plan.
The evidence of Mr. Laidman is that the Official Plan requires a minimum water frontage of 60 metres or 200 feet of water frontage. The proposed severance is for approximately 38.1 metres or 125 feet of water frontage and the retained portion is for 30.4 metres or 100 feet. In his opinion, the proposed severance application is not in conformity with the Official Plan of the Township of Rideau Lakes.
Mr. Laidman referred the Board to Zoning By-law 2005-6 of the Township of Rideau Lakes and under Section 5.2 Waterfront Residential that requires a minimum lot frontage of 60 metres. The evidence of Mr. Laidman is that the zoning on the subject property is Waterfront Residential in the Township Zoning By-law. In his opinion, Zoning By-law 2005-6 is consistent with the Official Plan of the Township by requiring a minimum of 60 metres of water frontage.
In the opinion of Mr. Laidman, the proposed lots are in conflict with Zoning By-law 2005-6 and that minor variances will be required for relief from the minimum water frontage requirement. In the opinion of Mr. Laidman, the severance application does not meet several of the criteria set out in subsection 51(24) of the *Planning Act* and does not represent good planning.
Mr. James (Sandy) Hay appeared under summons at this hearing. Mr. Hay is the County Planner for the United Counties of Leeds and Grenville.
Under oath, Mr. Hay stated that he was at the Land Division Committee meeting of March 19, 2008. He stated that the County did not prepare a report, as there were two consistent reports from the Township and the RVCA recommending denial. If he had prepared a report, or if he had been asked at the meeting to comment on the application, he clearly stated that he would have recommended denial of the severance application. Mr. Hay commented that the Land Division Committee granted the

application as a “technical severance”. In his review of the *Planning Act*, there is no reference to the term “technical severance” in the *Planning Act* of the Province of Ontario.

FINDINGS AND CONCLUSIONS OF THE BOARD

The submission of Mr. Wilkin is that, since March 1970 with the first *Planning Act* of the Province of Ontario, abutting properties registered in the same name will merge and any properties purchased in the future will, similarly, merge. Based on this submission and the transfer of one deed (Exhibit 12), the Board finds the property to be a single lot.

At the outset of the hearing, the Board advised the applicant that the application for consent must satisfy the criteria set out in subsection 51(24) of the *Planning Act*.

The evidence of Mr. Hibbard was general in nature and did not address the criteria of this subsection.

Based on the evidence, the Board finds that the proposed water frontages are deficient. The Official Plan requires a minimum water frontage for any new waterfront lot to be 60 metres. The proposed lots have a water frontage of approximately 38.1 metres and 30.4 metres, respectively. Based on the evidence, the Board find the proposed water frontages are not in conformity with the intent of the Official Plan of the Township of Rideau Lakes.

Based on the evidence, the Board finds the proposed water frontages do not meet the requirement of Zoning By-law 2005-6 which requires a minimum lot frontage of 60 metres in a Waterfront Residential zone.

Based on the evidence, the Board finds that the proposed severance fails subsections 51(24) (c) and 51(24) (f) of the *Planning Act* by attempting to create substandard lots in direct conflict to the Official Plan and Zoning By-law.

Based on the evidence, the Board is not satisfied that the criteria set out in subsection 51(24) has been met.

The Board Orders that the appeals are allowed and the provisional consent is not to be given.

J. R. AKER
MEMBER

<u>On-Site Services (Septics)</u> – Mississippi-Rideau Septic System Office

The applicant is proposing to sever a portion off of 231 Island View. The parcel to be severed has an existing PIN number and is currently vacant and prepared for development.

The proposed severance with have no impact on any existing or future septic systems for the property. The applicant currently has an application pending with the Mississippi-Rideau Septic System Office for a tertiary treatment system.

The Mississippi-Rideau Septic System Office recommends granting this severance provided all development takes place according to applicable regulations.

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

<u>Hydro One Networks</u> – No comments were received.

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

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.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Richard and Deborah Miskiman were present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. Mr. Miskiman outlined the history of the lots, how they were purchased separately and then were merged on title without notice. Mr. Miskiman noted that he was aware that the lots were undersized and had applied to the Township to have the lots re-zoned to recognize the deficiency.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

REASONS: The Land Division Committee recognize that the subject properties were merged with no notification to the owners and that approval of this severance is consistent with the principles of natural justice as well as being in accordance with the recommendation of Tay Valley Township.

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

CONDITIONS:

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

2. That the balance of any outstanding taxes shall be paid to the Township.

3. That 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 Land Title Office.

4. The applicant shall obtain appropriate relief from the minimum lot provisions (frontage, lot size, depth, coverage, etc.) of the Zoning By-law for Tay Valley by way of an amendment to the Zoning By-law.

5. The application shall enter into a Site Plan Agreement with Tay Valley Township in accordance with the Planning Act, to be registered on title of the lot to be severed, and binding upon the owner and all subsequent owners in title. The wording of the agreement shall be acceptable to Tay Valley Township and the Rideau Valley Conservation Authority and shall address their concerns for, but not limited to, site development, drainage, site grading, preservation of natural shoreline.

6. A letter shall be received from Tay Valley Township stating that conditions # 2 to # 5 have been fulfilled to their satisfaction.

7. A letter shall be received from the Rideau Valley Conservation Authority stating that condition # 5 has been fulfilled to their satisfaction.

NOTES

- *The applicant is advised that the shoreline of Black Lake is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alternations to Shorelines and Watercourses Regulation pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Estate of John George Poole
LDC File #: B08/071
Township: North Burgess
Municipality: Tay Valley
Lot: 5/6 **Concession:** 7
Roll No. 0911 911 010 06600
Type: Lot addition

SUMMARY

The purpose and effect of the application is to sever a 1500 m^2 lot addition and retain a 64.3-ha vacant landholding. The lands are accessed by a private right-of-way (Sunset Ridge) owned by J G Poole.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Vacant	Vacant Seasonal Residence	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	64.4-ha Irregular Irregular Sunset Ridge	0.1-ha 30 m 50 m Sunset Ridge	64.3-ha Irregular Irregular Sunset Ridge
Water Supply **Sewage Disposal**	None None	None None	None None
Official Plan Designation **-Conformity?**	Rural Yes		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

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

Zoning By-law – Tay Valley Township advises that the proposal complies with the zoning by-law regulations. Although the lot to which the severed land will be transferred will remain undersized with respect to the minimum lot area for a lot zoned RS, Section 3.2 of the Zoning By-law

permits the enlarged, yet still undersized lot, to be used for a purpose permitted in the zone without the requirement to obtain relief from the zoning by-law.

EXTERNAL CIRCULATION COMMENTS

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

1. Payment of all taxes owing and all costs incurred by the Township for review of the application.
2. Copy of the deed / transfer and two copies of the reference plan.

Conservation Authority – Rideau Valley Conservation Authority
The subject application for consent has been reviewed by the Rideau Valley Conservation Authority and a site inspection was completed.

The application involves a severance for a lot addition to existing waterfront lot. A 0.1500 sq. metre parcel will be added to the adjacent property (Bogle). There has been no disturbance to the vegetation on the subject land and there is a steep slope to the water. The retain parcel (63 ha) consists of mixed bush. The adjacent landowner indicated that there were no plans for development of the lands. The RVCA has no objections.

For reasons associated with the maintenance and improvement of water quality conditions and the protection of aquatic habitat the Conservation Authority recommends a minimum development setback of 30 metres from the water, for new development including redevelopment. In some cases, depending on a combination of slope height, slope angle, soil depth and vegetation cover even greater setbacks may be desirable. The Conservation Authority promotes natural shorelines for they provide opportunities for nutrient take up from residential properties, slow down the movement of storm water through the soil, provide soil retention, and of course provide habitat opportunities for aquatic species, wildlife and birds.

Please note that as of January 1, 2007, the shoreline of Otty Lake is subject to Ontario Regulation1 74/06 *Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* made pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.

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

On-Site Services (Septics) – Mississippi-Rideau Septic Office
A review has been undertaken to ensure that the transferring of the subject lands will not impact the minimum requirements established in Part 8 of the Ontario Building Code.

The purpose of the application is to transfer an existing road allowance to favour several waterfront lots located on Sunset Ridge. The transfer of this road allowance will not impact any on-site wastewater systems and the Mississippi-Rideau Septic Office has no objection to this proposal.

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

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

Hydro One Networks – No comments were received.

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

PUBLIC INPUT

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

Beatrice Schriever – please advise me of the date of the public meeting and also the decision.

Lorne and Joan Gold – we wish to be notified of the decision of the Committee with respect to the application.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

No persons attended the hearing held on Monday, August 25, 2008. Tracy Zander, agent for the applicant sent her regrets.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to Tay Valley Township.

3. The Township shall be reimbursed for all costs incurred by Tay Valley Township for reviewing this application.

4. Two copies of the registered reference plan shall be provided to the Township.

5. The applicant shall provide the Township with a copy of the deed / transfer.

6. A letter shall be received from Tay Valley Township stating that conditions #2 - #5 have been fulfilled to their satisfaction.

7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Nancy Evelyn Bogle and Edward Warren Bogle, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES

- *The RVCA that for reasons associated with the maintenance and improvement of water quality conditions and the protection of aquatic habitat the Conservation Authority recommends a minimum development setback of 30 metres from the water, for new development including redevelopment. In some cases, depending on a combination of slope height, slope angle, soil depth and vegetation cover even greater setbacks may be desirable. The Conservation Authority promotes natural shorelines for they provide opportunities for nutrient take up from residential properties, slow down the movement of storm water through the soil, provide soil retention, and of course provide habitat opportunities for aquatic species, wildlife and birds.*

- *The RVCA advises that that as of January 1, 2007 the shoreline of Otty Lake is subject to Ontario Regulation 174/06 Development, Interference with Wetlands, Alternations to Shorelines and Watercourses Regulation pursuant to the Conservation Authorities Act. Any shoreline work will require a permit from the RVCA.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25,2008

Owner: Alexander and Glenna Stewart
LDC File #: B08/072
Township: Lanark
Municipality: Lanark Highlands
Lot: E 13 **Concession:** 1
Roll No. 0940 934 010 02900
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 1.09-ha residential lot with an existing dwelling and retain a 24.8-ha vacant landholding.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Residential Residential	Residential Residential	Vacant Residential
Area **Frontage** **Depth** **Road - Access to**	25.9-ha 474 m 700 m Dobbie Road	1.09-ha 151m 73 m Dobbie Road	24.8-ha 323 m 700 m Dobbie Road
Water Supply **Sewage Disposal**	Private Well Septic System	Private Well Septic System	Proposed Proposed
Official Plan Designation **-Conformity?**	Rural, Provincially Significant Wetland (Hopetown Wetland)		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural & Env Prot 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes n/a	Rural & Env Pro 1.0-ha Yes 60 m Yes

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Official Plan – The Township of Lanark Highlands advises that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Township of Lanark Highlands advises that the proposal meets the requirements outlined in the Township's Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

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

1. That lands be dedicated for road widening purposes. The applicant shall consult directly with the
   Public Works Superintendent.
2. That development charges shall be paid in full prior to the issuance of a building permit.
3. That a Civic Address Sign be required for the retained land prior to a building permit being issued.
4. That property taxes be paid in full.
5. That Cash-in-Lieu of Parklands be paid to the Township per By-law No. 2005-575.

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

According to the information provided, the purpose of the application is to sever a 1.09-ha lot with an existing residential dwelling and retain a vacant 24.8-ha landholding.

According to a review of available mapping, a portion of the proposed retained lands are located within a Provincially Significant Wetland (PSW) referred to as the *Hopetown Wetland*.

The Provincial Policy Statement requires that new development, including the creation of new lots within 120 metres of the boundary of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the wetland. To address this requirement, an Environmental Impact Statement (EIS) is generally required. However, the proposed severance does not result in the division of the PSW and sufficient area exists to accommodate future development (including road creation) outside of the 120 metre adjacent lands for PSW's. On this basis, MVC is of the opinion that there would be limited value in conducting an Environmental Impact Statement at this time. However, in the event that future development is proposed within the 120 metre adjacent lands to the PSW, an EIS will be required to support such development. The proposed retained lands are already developed and located outside of the 120 metre influence area of the PSW.

With all of the above in consideration, MVC does not have any objections to the proposed severance provided any future development on the proposed retained lands occurs beyond the 120 metre adjacent lands to the PSW.

The property owner should be advised that any future proposed work, which involves interference with the *Hopetown Wetland*, may require written permission from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

LGL Health Unit –
Severed Lands – Existing residential home serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sand / clay soil 5 ft deep. Satisfactory.
Retain Lands – Relatively flat pasture land with no soil drainage problem. Sand / clay soil 5 ft deep. Satisfactory.

Hydro One Networks – No comments were received.

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

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.

MINUTES OF PUBLIC HEARING
(August 25, 2008)

Alexander and Glenna Stewart, applicants were present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. No further comments were presented.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the balance of any outstanding taxes shall be paid to the Township.

3. Sufficient lands shall be conveyed to the Township of Lanark Highlands along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

4. Payment shall be made to the Township of Lanark Highlands of an amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act.

5. A letter shall be received from the Township of Lanark Highlands stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

The Township advises that, prior to the issuance of building permits for the lots to be severed and retained, development charges must be paid to the Township and civic address signs and entrance permits obtained.

The Mississippi Valley Conservation advises that any future development on the proposed retained lands shall occur beyond the 120 metre adjacent lands to the Hopetown Wetland a Provincially Significant Wetland.

The Mississippi Valley Conservation advises that any future proposed work, which involves interference with the "Hopetown Wetland", may require written permission from MVC pursuant to Ontario Regulation 153/06 – "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25 2008

Owner: George and Claudette Dallaire
LDC File #: B08/074
Township: Pakenham
Municipality: Mississippi Mills
Lot: 27 **Concession:** 5
Roll No. 0931 946 020 13800
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 19.8-ha residential building lot and retain a 19.8-ha residential lot with an existing residence. The severed lands will be accessed by 5th Con. N Pakenham and the retained lands are accessed by Waba Road (County Road #20).

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Residential Residential	Vacant Residential	Residential Residential
Area **Frontage** **Depth** **Road - Access to**	39.6-ha 335.3m 2365.8 m Waba Road	19.8-ha 335.2 m 1182.9 m 5th Con N Pakenham	19.8-ha 335.2 m 1182.9 m Waba Road
Water Supply **Sewage Disposal**	Private Well Septic System	Proposed Proposed	Private Well Septic System
Official Plan Designation **-Conformity?**	Rural with Aggregate Overlay Yes		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural 0.4-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – No Provincial Interests were identified during the review.

Official Plan – The Town of Mississippi Mills advised that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Town of Mississippi Mills advises that the proposal meets the requirements outlined in the Town's Zoning By-law regulations.

EXTERNAL CIRCULATION COMMENTS

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

1. For application B08/074, that the applicant provide a copy of the registered reference plan to the Town;
2. For application B08/074, that the applicant pay any outstanding property taxes on the subject property;
3. For application B08/074, that the applicant must acquire an entrance permit from 5th Concession Road;

Conservation Authority – n/a

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – gently rolling treed covered land sloping from South to North. Wet conditions exist in South West corner of the lot Sandy loam soil approximately 3 feet deep. Additional granular fill will be required in proposed tile bed area.
Retained Lands – existing residential house serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 feet deep. Satisfactory.

County of Lanark Public Works Department – Retained lands are serviced by an existing entrance Permit #1749. Road Widening is not required on the retained lands.

Hydro One Networks – No comments were received.

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

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.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

George and Claudette Dallaire, applicants were present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. No further comments were presented.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the applicant provide a copy of the registered reference plan to the Town of Mississippi Mills.

3. That the applicant pay any outstanding property taxes on the subject property to the Town of Mississippi Mills.

4. That the applicant obtain a residential entrance permit to the 5th Concession Road from the Town of Mississippi Mills.

5. A letter shall be received from the Township stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: John Samuel & Jeanette M Henry
LDC File #: B08/075
Township: Pakenham
Municipality: Mississippi Mills
Lot: Pt E 8/9 **Concession:** 8
Roll No. 0931 946 015 19900
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.8-ha residential building lot and retain a 69.2-ha vacant landholding. The lands are accessed by 9th Con. S Pakenham.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Vacant	Vacant Residential	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	70.0-ha 1610 m 800 m 9th Con S Pakenham	0.8-ha 75 m 135 m 9th Con S Pakenham	69.2-ha 1535 m 800 m 9th Con S Pakenham
Water Supply **Sewage Disposal**	None None	Proposed Proposed	None None
Official Plan Designation **-Conformity?**	Rural and Wetlands Yes		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural & EP 10.0-ha Yes 150 m Yes n/a	Rural 1.0-ha No 45 m Yes n/a	Rural & EP 10.0-ha Yes 150 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Official Plan – The Town of Mississippi Mills advises that the proposal complies with the existing Official Plan policies provided the lot is increased to 1.0-ha in accordance with Section 3.3.6.5 (iv).

Zoning By-law – The Town of Mississippi Mills advises that the proposal meets the requirements of the Zoning By-law provided the lot size be increased to meet the minimum lot area requirements for both the area to be severed and the retained lands.

EXTERNAL CIRCULATION COMMENTS

Town of Mississippi Mills – recommends approval of this application subject to the following conditions:
"THAT the Planning & Economic Development Committee support the consent application B08/075 (Henry) for the severance of lands described as E 1/2 PT lot 9, Concession 8, Township of Pakenham subject to the applicant increasing the lot size to meet the minimum lot area requirement for the severed lot and retained parcel of land" with the following conditions:

1. For application B08/075, that the applicant provide a copy of the registered reference plan to the Town;
2. For application B08/075, that the applicant pay any outstanding property taxes on the subject property;
3. For application B08/075, that the owner must obtain an entrance permit from the Town of Mississippi Mills
4. For application B08/075, that the owner must increase the lot area of the proposed lot from 0.8ha (1.976ac) to 1ha (2.47ac) or acquire an Official Plan Amendment to reduce the minimum lot area for a non farm residential lot from 1ha (2.47ac) to 0.8ha (1.976ac)

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

According to the information provided, the purpose of the application is to sever a vacant 0.8-ha vacant building lot and to retain a vacant 69.2-ha landholding.

According to a review of available mapping, the proposed severed lot consists largely of an unclassified wetland. The presence of this wetland was confirmed during a site visit conducted by MVC Staff on August 13, 2008. A well treed section of land, located between the wetland and the 9th Con. S. Pakenham, also forms part of the proposed severance. A review of mapping also revealed that a portion of the proposed retained lands consist, partially, of a Provincially Significant Wetland (PSW) referred to as the *Pakenham Mountain Wetland Complex*.

The Provincial Policy Statement (Section 2.1.4) requires that new development, including the creation of new lots within 120 metres of the boundary of a PSW, only be permitted if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions of the wetland. To address this requirement, an Environmental Impact Statement (EIS) is generally required. However, the proposed severance does not result in the division of the PSW and sufficient area exists to accommodate future development (including road creation) outside of the 120 metre adjacent lands for PSW's. On this basis, MVC is of the opinion that there would be limited value in conducting an Environmental Impact Statement at this time. However, in the event that future development is proposed within the 120 metre adjacent lands to the PSW, an EIS will be required to support such development.

MVC does not have any objections to the proposed severance provided any future development on the proposed severed lands occurs outside of the unclassified wetland and provided any future development on the proposed retained lands occurs outside of the 120 metre adjacent lands to the PSW.

The property owner should be advised that any future proposed work, which involves interference with the *Pakenham Mountain Wetland Complex*, may require written permission from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

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

On-Site Services (Septics) – Leeds Grenville Lanark District Health Unit
Severed Lands – gently rolling treed land with no soil drainage problems. Sandy Loam soil approximately 12-18 inches deep. Additional granular fill will be required in proposed tile bed area.
Retain Lands – gently rolling treed covered land with no soil drainage problems, Sandy loam soil approximately 12-18 inches deep. Satisfactory for intended purpose.

Hydro One Networks – no issues noted.

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

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.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

John Henry, applicant was present at the public meeting held on Monday August 25, 2008 and gave evidence under oath.
Mr. Henry advised that if required he was willing to increase the lot size to 1.0-ha to meet the requirements of the Town's Official Plan.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. That the applicant increase the lot area of the proposed lot from 0.8ha (1.976ac) to 1.0-ha (2.47ac) or acquire an Official Plan Amendment to reduce the minimum lot area for a non farm residential lot from 1.0-ha (2.47ac) to 0.8ha (1.976ac).

2. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

3. That the applicant provide a copy of the registered reference plan to the Town of Mississippi Mills.

4. That the applicant pay any outstanding property taxes on the subject property to the Town of Mississippi Mills.

5. That the applicant obtain a residential entrance permit from the Town of Mississippi Mills.

6. A letter shall be received from the Town stating that conditions # 2 to # 5 have been fulfilled to their satisfaction.

NOTES:

The property owner should be advised that any future proposed work, which involves interference with the Pakenham Mountain Wetland Complex, may require written permission from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

The MVC advises that in the event that future development is proposed within the 120 metre adjacent lands to the PSW, an EIS will be required to support such development.

The Leeds Grenville and Lanark District Health Unit advises that additional granular fill will be required in proposed tile bed area.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Kristen Wheeler
LDC File #: B08/076
Township: Dalhousie
Municipality: Lanark Highlands
Lot: Pt 9 **Concession:** 10
Roll No. 0940 004 035 17500
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 2.75-ha residential building lot and retain a 21.3-ha vacant landholding.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Vacant	Vacant Residential	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	24-ha 437.9 m 400 m McDonald's Crs Rd	2.75-ha 200 m 203.1 m Conc 11 Dal	21.3-ha 437.9 m 400 m McDonald's Crs Road
Water Supply **Sewage Disposal**	None None	Proposed Proposed	None None
Official Plan Designation **-Conformity?**	Rural and Deer Yard		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural & Deer Yard 1.0-ha Yes 60 m Yes n/a	Rural & Deer Yd 1.0-ha Yes 60 m Yes n/a	Rural & Deer Yard 1.0-ha Yes 60 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial Interests were identified by the Conservation Authority and are outlined in their response.
An Environment Impact Assessment checklist for Winter Deer Yard was undertaken.
A "Minimum Distance Separation" calculation was undertaken for an adjacent farm operation, which concluded that the proposal is outside the required setback area. Existing livestock building 400 m +/ from proposed property line. MDS Calculation requirement – 317 m.

Official Plan – The Township of Lanark Highlands advises that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Township of Lanark Highlands advises that the proposal meets the requirements outlined in the Township's Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

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

1. That lands be dedicated for road widening purposes. The applicant shall consult directly with the Public Works Superintendent.
2. That development charges shall be paid in full prior to the issuance of a building permit.
3. That a Civic Address Sign be required for the retained land prior to a building permit being issued.
4. That property taxes be paid in full.
5. That Cash-in-Lieu of Parklands be paid to the Township per By-law No. 2005-575.

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

It is our understanding that the purpose of this application is to sever a 2.75-ha residential building lot and to retain a 21.3-ha vacant parcel of land.

A review of available GIS mapping revealed that the subject property is located within the *Dalhousie Lake Deer Yard*, which has been designated as a significant deer wintering area by the Ministry of Natural Resources. The proposed retained land is located within a well treed area while the proposed severance is located within a clearing.

The Provincial Policy Statement (PPS) states that development and site alterations may only be permitted in significant wildlife habitat if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified. The PPS requires that an Environmental Impact Statement (EIS) be prepared to assess the potential impacts of development on the deer yard. However, the proposed severed parcel is located within a cleared area that would not provide a suitable wintering area for deer. On this basis, MVC is of the opinion that there would be limited value in conducting an EIS as we do not anticipate any further negative impacts to the deer yard resulting from the proposed severance. However, an EIS may be required to support potential proposals for development on the proposed retained lands in the future.

With all of the above in consideration, MVC does not have any objection to the subject proposal provided the following mitigative measure is adhered to:

- Domestic pets (dogs) shall be controlled and not allowed to disturb or harass deer.

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

LGL Health Unit –
Severed Lands – Gently rolling treed and scrub land with no soil drainage problems. Sandy loam soil 5 feet deep. Satisfactory.
Retain Lands – Gently rolling treed and scrub land with no soil drainage problems. Sandy loam soil 5 feet deep. Satisfactory.

Hydro One Networks – No comments were received.

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

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.

MINUTES OF PUBLIC HEARING
(August 25, 2008)

Kristen Wheeler, applicant was present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. No further comments were provided.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the balance of any outstanding taxes shall be paid to the Township.

3. Sufficient lands shall be conveyed to the Township of Lanark Highlands along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality’s title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

4. Payment shall be made to the Township of Lanark Highlands of an amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act.

5. A letter shall be received from the Township of Lanark Highlands stating that conditions #2 to #4 have been fulfilled to their satisfaction.

NOTES:

The Township advises that, prior to the issuance of building permits for the lots to be severed and retained, development charges must be paid to the Township and civic address signs and entrance permits be obtained.

- *Mississippi Valley Conservation advises that the lands are located with the Dalhousie Lake Deer Yard,* Domestic *pets (dogs) shall be controlled and not allowed to disturb or harass deer.*

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Estate of Ora Geneva McNeely
LDC File #: B08/077
Township: Beckwith
Municipality: Beckwith
Lot: 11 **Concession:** 7
Roll No. 0924 000 020 13400
Type: Lot Addition

SUMMARY

The purpose and effect of the application is to sever a 24.28-ha vacant lot as a lot addition to an existing residential building lot and retain a 25.49-ha landholding with an existing dwelling and outbuildings. The lands to be severed will be accessed by the 8th Line Beckwith and the lands to be retained will be accessed by the 7th Line Beckwith.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Residential / Pasture Residential / Pasture	Vacant Vacant	Residential / Pasture Residential / Pasture
Area **Frontage** **Depth** **Road - Access to**	49.77-ha 237 m 1367 m 7th Line Beckwith	24.28-ha 130.97 m 762 m 8th Line Beckwith	25.49-ha 237 m 605 m 7th Line Beckwith
Water Supply **Sewage Disposal**	Private Well Septic System	n/a n/a	Private Well Septic System
Official Plan Designation **-Conformity?**	Rural and Aggregate Constraint Yes		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural / Constraint 0.4-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural/Constraint 0.4-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified as follows:
Section 2.5 Mineral Aggregate Resources – Mineral Aggregate Operations shall be protected from development and activities that would preclude or hinder their expansion or continued use.

Future purchasers of the lot should be advised of the Aggregate Operation located on Lot 11 Conc. 6.

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

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

EXTERNAL CIRCULATION COMMENTS

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

1. That a copy of the registered reference plan be provided to the Township of Beckwith.
2. That all structures are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

Conservation Authority – Mississippi Valley Conservation
Mississippi Valley Conservation (MVC) has screened this application out of our formal review process. This application represents a lot addition to a lot that is already developed with retained lands that are also developed. And, no new development is proposed at this time.

On-Site Services (Septics) – Leeds, Grenville Lanark District Health Unit
Severed Lands – 24.28 hectare severed parcel containing bushland and agricultural land. Rock within 2 feet of surface. Drainage doesn't appear to be an issue.
Lot addition only. No comment regarding suitability for a septic system.
Retained Lands – 25.49 hectare retained parcel containing a dwelling, pond and 2 outbuildings. Rock within 2 feet of surface. No drainage issues.
There is adequate space on retained parcel to accommodate a raised replacement sewage system. The existing system shows no signs of malfunction.

Hydro One Networks – No comments were received.

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

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.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Lorraine MacDowell, Agent for the Applicant and Beverly Millar were present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. No further comments were provided.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

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

3. That the applicant provide a copy of the registered reference plan to the Township of Beckwith.

4. A letter shall be received from the Township of Beckwith stating that condition #2 and #3 have been fulfilled to their satisfaction.

5. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Warren Scott McNeely – Part Lot 11 Concession 7 Beckwith, Part 3 on Reference Plan 27R-6729, and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

NOTES:

The Township of Beckwith advises that all structures are to be located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.

The Leeds Grenville and Lanark Health Unit advises that a raised replacement sewage system may be required, if replaced, on the lot to be retained.

Future purchasers of the lot should be advised of the Aggregate Operation located on Lot 11 Conc. 6 Beckwith.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25 2008

Owner: Currie D & G / Ferguson M
LDC File #: B08/079
Township: Dalhousie
Municipality: Lanark Highlands
Lot: W 13 **Concession:** 1
Roll No. 0940 002 025 02600
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 2.02-ha lot with an existing residential dwelling and retain a 37.45-ha vacant landholding.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Residential Vacant	Residential Residential	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	39.47-ha 579 m 793 m 2nd Conc. Dal	2.02-ha 122 m 168 m 2nd Conc. Dal	37.45-ha 457 m 793 m 2nd Conc. Dal
Water Supply **Sewage Disposal**	Private Well Septic System	Private Well Septic System	None None
Official Plan Designation **-Conformity?**	Rural and Organic Soils		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural & Organic Soil 1.0-ha Yes 60 m Yes n/a	Rural & Organic 1.0-ha Yes 60 m Yes n/a	Rural & Organic Soil 1.0-ha Yes 60 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Official Plan – The Township of Lanark Highlands advises that the proposal complies with the existing Official Plan policies.

Zoning By-law – The Township of Lanark Highlands advises that the proposal meets the requirements outlined in the Township's Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

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

1. That lands be dedicated for road widening purposes. The applicant shall consult directly with the Public Works Superintendent.
2. That development charges shall be paid in full prior to the issuance of a building permit.
3. That a Civic Address Sign be required for the retained land prior to a building permit being issued.
4. That property taxes be paid in full.
5. That Cash-in-Lieu of Parklands be paid to the Township per By-law No. 2005-575.

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

According to the information provided, the purpose of the application is to sever a 2.02-ha residential lot with an existing dwelling and retain a vacant 37.45-ha landholding.

A review of available mapping shows Hopetown Creek running through a portion of the proposed retained lands in addition to a wetland area located at the rear of the proposed retained lands. In addition, a site visit conducted by MVC on August 16, 2008 revealed a sizeable cedar tree stand on high ground which then drops to a low wet area on the retained lands.

With all of the above in consideration, MVC does not have any objection to the proposed severance provided the following mitigative measures are implemented for any future development:

1. A minimum 30 metre setback from the creek shall be maintained for future structures and a septic system.
2. The existing vegetation along the shoreline of the creek shall be retained to a minimum depth of 15 metres.
3. Natural drainage patterns on the site shall not be substantially altered, such that additional run-off is directed into the creek or onto adjacent properties.

The proposed severed lot is already developed and no new development is proposed at this time.

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

LGL Health Unit –
Severed Lands – Existing residential home served by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 ft deep. Satisfactory.
Retain Lands – Gently rolling mixture of treed and pasture land with no soil drainage problems. Sandy loam soil 5 feet deep. Satisfactory.
Hydro One Networks – No comments were received.

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

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.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

No persons attended the hearing.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the balance of any outstanding taxes shall be paid to the Township.

3. Sufficient lands shall be conveyed to the Township of Lanark Highlands along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

4. Payment shall be made to the Township of Lanark Highlands of an amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act.

5. That the applicant enter into a Development Agreement to implement mitigative

measures recommended by Mississippi Valley Conservation regarding Natural Features and mitigative measures for future development of the lands, with the Township of Lanark Highlands, the wording of which shall be satisfaction to the Township and Mississippi Valley Conservation.

6. A letter shall be received from the Township of Lanark Highlands stating that conditions #2 to #5 have been fulfilled to their satisfaction.

NOTES:

The Township advises that, prior to the issuance of building permits for the lots to be severed and retained, development charges must be paid to the Township and civic address signs and entrance permits obtained.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Philip James Warland
LDC File #: B08/080
Township: Pakenham
Municipality: Mississippi Mills
Lot: 5 **Concession:** 8
Roll No. 0931 946 015 19000
Type: Lot Addition

SUMMARY

The purpose and effect of the application is to sever a 0.809-ha lot addition to lands owned by Gary Fulton at 598 8th Con S Pakenham (Pt 2 on RP 26R2951) and retain a 38.38-ha landholding with an existing residential dwelling.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Residential Residential	Vacant Lot Addition	Residential Residential
Area **Frontage** **Depth** **Road - Access to**	39.21-ha 193 m 1300 m 8th Con S Pakenham	0.809-ha 121.92 m 66.44 m none	38.4-ha 192 m 1300 m 8th Con S Pakenham
Water Supply **Sewage Disposal**	Private Well Septic System	None None	Private Well Septic System
Official Plan Designation **-Conformity?**	Rural Yes		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural 10.0-ha Yes 150 m Yes n/a	Rural Lot addition n/a n/a n/a	Rural 10.0-ha Yes 150 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement – No Provincial Interests were identified.

Official Plan – The Town of Mississippi Mills advises that the proposal complies with the existing Official Plan Policies.

Zoning By-law – The Town of Mississippi Mills advises that the proposal meets the requirements outlined in the Town's Zoning By-law.

EXTERNAL CIRCULATION COMMENTS

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

1. That the applicant provide a copy of the registered reference plan to the Town;
2. That the applicant pay any outstanding property taxes on the subject property;

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed Lands – Gently rolling treed covered land with no soil drainage problems. Proposed addition to an existing residential lot. Clay loam soil 5 feet deep. Satisfactory.

Retained Lands – Existing residential property serviced by a Class 4 septic system and private well. Sufficient land area to replace existing system. Clay loam soil 5 feet deep. Satisfactory.

Hydro One Networks – No comments were received.

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

PUBLIC INPUT

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

Moray Stewart-Guthrie – questioned the number of severances being created. (advised that application is for lot addition, not a new lot).

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Philip Warland, applicant and Gary Fulton, agent for the applicant were present at the public meeting held on Monday August 25, 2008 and gave evidence under affirmation. No further comments were provided.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the applicant provide a copy of the registered reference plan to the Town;

3. That the applicant pay any outstanding property taxes on the subject property;

4. A letter shall be received from the Town stating that conditions # 2 and #3 have been fulfilled to their satisfaction.

5. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by Gary Fulton, described as Part 2 Reference Plan 26R2915 Part Lot 5 Concession 8 Pakenham (598 8th Con Rd S Pakenham), and any subsequent transfer, charge or other conveyance of the lands to be severed is subject to Section 50(3) (or subsection 50(5) if in a plan of subdivision) of the Planning Act. Neither the lands to be severed nor the adjacent lands are to be reconveyed without the other parcel unless a further consent is obtained. The owner shall cause the lands to be severed to be consolidated on title with the adjacent lands and for this condition to be entered into the parcel register as a restriction.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Douglas James Shaw
LDC File #: B08/081
Township: Drummond
Municipality: Drummond / North Elmsley
Lot: Pt Lot 14 **Concession:** 8
Roll No. 0919 919 020 05400
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 2.56-ha residential building lot and retain a 36.2-ha vacant landholding. This application is concurrent with B08/082. A farm operation is located to the north of the lot to be created – a minimum distance setback of 226 m from the livestock building for the building envelope will be required.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Vacant	Vacant Residential	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	38.76-ha 292.6 m 1200 m Con 9A Drummond	2.56-ha 76.2 335.28 m Con 9A Drummond	36.2-ha 216.4 m 36.2 m Con 9A Drummond
Water Supply **Sewage Disposal**	None None	Proposed Proposed	None None
Official Plan Designation **-Conformity?**	Rural Yes		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural 10.0-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural 10.0-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

An agricultural operation is located on the adjacent lands at Lot 14 Conc. 9 Drummond (McNaughton). The MDS calculation requires a minimum setback from the livestock facility of 226 m (742 ft) to the building envelope. The approximate distance from the barns to the

municipal road is 138 m. For MDS 1 measurements are taken from the shortest distance between the lot line of the lot being created and the livestock occupied portion of the livestock facility. For larger lot (generally greater then 1-ha) a suitable location must be identified for a 1-ha building envelope outside the MDS 1 setback.

Official Plan – The Township of Drummond / North Elmsley advises that the proposal conforms with the designation and policies of the Official Plan.

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

EXTERNAL CIRCULATION COMMENTS

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

1. That the balance of any outstanding taxes 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 is a survey is required by the Registry Office.
3. Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

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

According to the information provided, the purpose of the subject application is to sever two vacant 2.56-hectare residential building lots and retain a 33.64-ha vacant landholding.

A review of available mapping revealed that a portion of the subject property consists of unclassified wetland. In addition, Haley Creek travels along the outer boundary of the proposed retained lands and mapping shows a tributary of this creek running through both of the proposed severed parcels. A site visit conducted by MVC staff on August 16, 2008 confirmed the presence of Haley Creek and the wetland. A low wet cedar stand comprises the frontage of the proposed severances. This low area then rises to an open upland area towards the rear of the proposed severances. A discernable creek bed was not observed to be traveling through the proposed severances.

Provided that future development occurs on the upland area to the rear of the proposed severed lots and outside of the wetland area on the proposed retained lands, MVC does not have any objection to the subject applications.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed Lands – Gently rolling mixture of scrub and treed land with no soil drainage problem. Sandy soil 5 feet deep. Satisfactory.
Retained Lands – Gently rolling mixture of scrub and treed land with no soil drainage problems. Sandy soil 5 feet deep. Satisfactory.

Hydro One Networks – No comments were received.

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

PUBLIC INPUT

Written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5) (a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended, as follows:
Don McNaughton and Frances McNaughton (Glen Eyrie Farm) – we have no concerns and would recommend that this application be approved.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Klye Shaw, agent for the applicant was present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. Mr. Shaw advised that he was aware of the adjacent farming operation and that the building envelopes would be at the rear of the lot where there is higher ground.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the balance of any outstanding taxes shall be paid to the Township.

3. That 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.

4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

5. That the applicant enter into a Development Agreement with the Township of Drummond / North Elmsley to require that the developer undertake the necessary Minimum Distance Separation calculation, a copy of which shall be filed with any application for a permit for development. (*Development is defined as: The construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.)*

6. A letter shall be received from the Township stating that conditions #2 to #5 have been fulfilled to their satisfaction.

NOTES:

Prospective purchasers shall be advised that a portion of the retained lot is within the Minimum Distance Separation of a livestock facility and that development of the lands shall occur outside this area. Prior to the issuance of a building permit for the lot to be retained, the landowner shall satisfy all requirements of the Minimum Distance Separation Distance Formulae. A copy of the MDS 1 Calculation shall be filed with the application for building permit.

Development is defined as:

The construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Mississippi Valley Conservation advises that any future development shall occur on the upland area to the rear of the proposed severed lots and outside the wetland area on the proposed retained lands.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Douglas James Shaw
LDC File #: B08/082
Township: Drummond
Municipality: Drummond / North Elmsley
Lot: Pt. Lot 14 **Concession:** 8
Roll No. 0919 919 020 05400
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 2.56-ha residential building lots and retain a 33.64-ha vacant landholding. The lots will be accessed by Drummond Con 9A. A farm operation is located to the North of the lots to be created – a minimum distance setback of 226m from the livestock building envelopes will be required.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Vacant	Vacant Residential	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	36.2-ha 216.2 m 1200 m Con 9A Drummond	2.56-ha 76.2 335.28 m Con 9A Drummond	33.64-ha 140.8 m 36.2 m Con 9A Drummond
Water Supply **Sewage Disposal**	None None	Proposed Proposed	None None
Official Plan Designation **-Conformity?**	Rural Yes		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural 10.0-ha Yes 45 m Yes n/a	Rural 0.4-ha Yes 45 m Yes n/a	Rural 10.0-ha Yes 45 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

An agricultural operation is located on the adjacent lands at Lot 14 Conc. 9 Drummond (McNaughton). The MDS calculation requires a minimum setback from the livestock facility of 226 m (742 ft) to the building envelope. The approximate distance from the barns to the

municipal road is 138 m. For MDS 1 measurements are taken from the shortest distance between the lot line of the lot being created and the livestock occupied portion of the livestock facility. For larger lot (generally greater then 1-ha) a suitable location must be identified for a 1-ha building envelope outside the MDS 1 setback.
Official Plan - The Township of Drummond / North Elmsley advises that the proposal conforms with the designation and policies of the Official Plan.

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

EXTERNAL CIRCULATION COMMENTS

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

1. That the balance of any outstanding taxes 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 is a survey is required by the Registry Office.
3. Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed to meet the road widening requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

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

According to the information provided, the purpose of the subject application is to sever two vacant 2.56-hectare residential building lots and retain a 33.64-ha vacant landholding.

A review of available mapping revealed that a portion of the subject property consists of unclassified wetland. In addition, Haley Creek travels along the outer boundary of the proposed retained lands and mapping shows a tributary of this creek running through both of the proposed severed parcels. A site visit conducted by MVC staff on August 16, 2008 confirmed the presence of Haley Creek and the wetland. A low wet cedar stand comprises the frontage of the proposed severances. This low area then rises to an open upland area towards the rear of the proposed severances. A discernable creek bed was not observed to be traveling through the proposed severances.

Provided that future development occurs on the upland area to the rear of the proposed severed lots and outside of the wetland area on the proposed retained lands, MVC does not have any objection to the subject applications.

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

On-Site Services (Septics) – Leeds, Grenville & Lanark District Health Unit
Severed Lands – Gently rolling mixture of scrub and treed land with no soil drainage problem. Sandy soil 5 feet deep. Satisfactory.

Retained Lands – Gently rolling mixture of scrub and treed land with no soil drainage problem. Sandy soil 5 feet deep. Satisfactory.

Hydro One Networks – No comments were received.

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

PUBLIC INPUT

Written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5)(a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended, were received as follows:
Don McNaughton and Frances McNaughton (Glen Eyrie Farm) – we have no concerns and would recommend that this application be approved.

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Klye Shaw, agent for the applicant was present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. Mr. Shaw advised that he was aware of the adjacent farming operation and that the building envelopes would be at the rear of the lot where there is higher ground.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the balance of any outstanding taxes shall be paid to the Township.

3. That the application 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.

4. Sufficient lands shall be conveyed to the Township of Drummond/North Elmsley along the frontage of the lands to be severed to meet the requirements of the municipality for road widening. Deeds are to be submitted to the municipality for review and approval accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and the municipality has a good and marketable title. The Township Roads Superintendent should be consulted prior to commencing a survey to determine the amount of road widening required.

5. That the applicant enter into a Development Agreement with the Township of Drummond / North Elmsley to require that the developer undertake the necessary Minimum Distance Separation calculation, a copy of which shall be filed with any application for a permit for development. (*Development is defined as: The construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.)*

6. A letter shall be received from the Township stating that conditions #2 to #5 have been fulfilled to their satisfaction.

NOTES:

Prospective purchasers shall be advised that a portion of the retained lot is within the Minimum Distance Separation of a livestock facility and that development of the lands shall occur outside this area. Prior to the issuance of a building permit for the lot to be retained, the landowner shall satisfy all requirements of the Minimum Distance Separation Distance Formulae. A copy of the MDS 1 Calculation shall be filed with the application for building permit.

Development is defined as:

The construction, reconstruction, erection or placing of a building or structure of any kind, site grading, or the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Mississippi Valley Conservation advises that any future development shall occur on the upland area to the rear of the proposed severed lots and outside the wetland area on the proposed retained lands.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: David Giff
LDC File #: B08/088
Township: Montague
Municipality: Montague
Lot: 4 **Concession:** 10
Roll No. 0901 000 015 02000 01800
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 2.55-ha residential lot with an existing dwelling (#5421) and retain a 27.1-ha landholding with an existing residential dwelling (#5435). Both lots have an existing residential dwelling, septic system and privately owned well. The lands are accessed by Roger Stevens Drive.

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Residential Residential	Residential Residential	Residential Residential
Area **Frontage** **Depth** **Road - Access to**	29.65-ha 266 m 700 m Roger Stevens Drive	2.55-ha 66 m 450 m Roger Stevens Dr	27.1-ha 200 m 700 m Roger Stevens Dr
Water Supply **Sewage Disposal**	Private Well Septic System	Private Well Septic System	Private Well Septic System
Official Plan Designation **-Conformity?**	Rural and Wetland Yes		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural 0.4-ha Yes 46m Yes N/A	Rural 0.4-ha Yes 46m Yes N/A	Rural 0.4-ha Yes 46m Yes N/A

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

Staff review of the PPS concurs with their findings.

Official Plan – The Township of Montague advises that the proposal conforms with the designation and policies of the Official Plan.
Note: a major portion of the proposed severed lands is located within a Wetlands Designation on the Township's Official Plan.

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

EXTERNAL CIRCULATION COMMENTS

Township of Montague – 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 a copy of the reference plan to be provided to the Township of Montague.

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

The application will create a new lot of 4.5 acres (severed) and 67 acres (retained). The retained property consists of almost entirely Provincially Significant Wetland, while the severed property is dominated by open space along the road frontage with an existing residential dwelling. The proposed severance will fragment the ownership of the South Montague Swamp Wetland which is a Provincially Significant Wetland. A map has been provided which illustrates this feature in relation to the severance. The County soils map also indicates that the wetland boundary corresponds with the presence of organic soils. Our site inspection reveal standing water and common wetland transition vegetation species such as alder and cedar were found along the boundary area.

We note that due to the provincial designation that Section 2.1.3 of the Provincial Policy Statement does not permit development (lot creation) in significant wetlands.
2.1.3 Development and site alteration shall not be permitted in:

a. significant habitat of endangered species and threatened species;
b. significant wetlands in Ecoregions 5E, 6E and 7E1; and
c. significant coastal wetlands.

Development: means the creation of new lot, a change in land use, or the construction of building and structures, requiring approval under the Planning Act.

The RVCA cannot support the severance as proposed but would support an amended application that results in the wetland area being excluded from the proposed severance to ensure that the wetland is not fragmented by different ownership. It is estimated that the area outside the wetland is approximately 4500 sq. metres (or 1.1 acres). The fragmentation is not considered minor as 75% of the proposed severance is within the wetland boundary. We also note that the wetland offers low recreation values but is important ecologically, hydrologically and hydraulically. The RVCA is available to delineate the wetland boundary on site.

We take this opportunity to point out that the South Mountain Swamp Wetland and all lands within 120 metres of the wetland boundary are now regulated under the Conservation

Authorities new "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation, which came into effect on May 2, 2006. The property owner should be advised that written permission from the Conservation Authority is required for any development activity (construction, filling activity, excavations, site grading or stockpiling of fill) in or within 120 metres of the wetland. As the lot is already developed no permission is required for the current continued use.

We assume that once revised the requirements of the Township's Official Plan and Zoning By-law will be satisfied. Please advise us on the committee's decision on the application or any changes in the status of the application.

On-Site Services (Septics) – Leeds Grenville Lanark District Health Unit
Severed Lands – Severed portion contains an existing dwelling and raised septic system. High water table observed in the area.
Existing raised septic system shows no signs of stress. Adequate space for replacement.

Retained Lands – Retained portion is vacant bushland. Relatively flat with high water table. Adequate space on parcel to accommodate a dwelling and new septic system. Sandy loam fill will be needed under bed to raise it above the high water table.

County of Lanark Public Works Dept. – Severed lands have an approved entrance location permit No. 2169. The retained lands have an approved existing entrance #2170.
No lands will be required for road widening.
Entrance to the severed lands to be installed prior to deed endorsement.

Hydro One Networks – No comments were received.

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

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.

MINUTES OF PUBLIC MEETING
(August 25, 2008)

David Giff, applicant was present at the public meeting held on Monday August 25, 2008 and gave evidence under oath.
Mr. Giff agreed to reduce the lot size to remove that portion within the South Mountain Swamp Wetland (PSW) as outlined by the Conservation Authority.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

REASONS: Having determined that a plan of subdivision is not necessary for the proper and orderly development of the municipality, and having determined that the proposal

is consistent with the policy statements issued under subsection 3(1) of the Planning Act, and having had regard to the matters under subsection 51(24) of the Planning Act.

CONDITIONS:

1. That the applicant decrease the lot area of the proposed lot from 2.55-ha to encompass only that area located outside the Provincially Significant Wetland (South Mountain Significant Wetland) to a minimum of 0.445-ha. The applicant shall consult directly with the RVCA.

2. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.

3. That the applicant provide a copy of the registered reference plan to the Township of Montague.

4. That the applicant pay any outstanding property taxes on the subject property to the Township of Montague.

5. The County Public Works Department shall confirm that the existing/proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County.

6. A letter shall be received from the County of Lanark Public Works Department that condition #5 has been fulfilled to their satisfaction.

7. A letter shall be received from the Town stating that conditions # 2 to #4 have been fulfilled to their satisfaction.

NOTES:

Rideau Valley Conservation Authority advised that South Mountain Swamp Wetland and all lands within 120 metres of the wetland boundary are now regulated under the Conservation Authorities new "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulation, which came into effect on May 2, 2006. The property owner should be advised that written permission from the Conservation Authority is required for any development activity (construction, filling activity, excavations, site grading or stockpiling of fill) in or within 120 metres of the wetland. As the lot is already developed no permission is required for the current continued use.

The Leeds Grenville and Lanark District Health Unit advises that sandy loam fill will be needed under the tile bed to raise is above the high water mark at such time as the septic system is replaced.

LAND DIVISION STAFF REPORT

APPLICATION FOR CONSENT

Date: August 25, 2008

Owner: Donald Pierman, Gary Pierman & Kevin Pierman
LDC File #: B08/091
Township: North Burgess
Municipality: Tay Valley
Lot: N. Pt. 18 **Concession:** 5
Roll No. 0911 911 020 30900
Type: New Lot

SUMMARY

The purpose and effect of the application is to sever a 0.81-ha residential lot with an existing residential dwelling and retain a 66.53-ha vacant landholding. The lot is accessed by Narrow's Lock Road. (County Road #14).

DETAILS OF PROPOSAL	Present Land Holding	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Vacant	Vacant Residential	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	68.56-ha 274 m 914.5 m Narrow's Lock Rd	.81-ha 64 m 128 m Narrow's Lock Rd	66.5-ha 210 m 914.5 m Narrow's Lock Rd
Water Supply **Sewage Disposal**	None None	Proposed Proposed	None None
Official Plan Designation **-Conformity?**	Rural and Mineral Reserve Yes		
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha No 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes n/a

POLICY & REGULATION ANALYSIS

Provincial Policy Statement - Provincial Interests were identified by the Conservation Authority and are outlined in their response.

The following Provincial Interests were identified by the County Planning Approvals Administrator:

2.4 Minerals and Petroleum – In areas adjacent to or in known mineral deposits, development and activities which would preclude or hinder the establishment of new operations or access to

the resources must be considered. A 'mine' location has been identified approximately 400 m south of the proposed lot. The identity of the mineral is unknown. Section 3.3.1 of the Township's Official Plan recognizes that the Township has high potential for other mineral commodities including silica, feldspar, mica, marble and dolomite. It is Council's intention that these important mineral resources will be protected for long term use.

2.5 Mineral Aggregate Resources – In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources must be considered. The location of the "Mineral Reserve" is approx 300-350 m from the proposed new lot. The Minimum Separation Distance from a "Dwelling" to reserve ranges from 150 m to 300 m.

Future purchasers of the lot should be advised of the potential for Mineral and Aggregate extraction in the future.

Official Plan – Tay Valley Township advises that the proposal conform with the designations and policies of the Official Plan.

Zoning By-law – Tay Valley Township advised that the proposal does not comply with the zoning by-law regulations. The proposed lot is only 0.81-ha and does not comply with the minimum lot area requirement of 1.0-ha for a single family use in the Rural zoning. The lot area of the proposed lot should be increased.
It is recommended that the application be amended by increasing the lot area to a minimum of 1.0-ha. This is preferable to requesting relief from the zoning by-law through either a minor variance or zoning by-law amendment.

EXTERNAL CIRCULATION COMMENTS

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

1. Payment of all taxes owning;
2. Payment of all costs incurred by the Township for review;
3. Copy of Deed / Transfer(s);
4. 2 copies of the reference plan;
5. Parkland contribution of $100.00

Conservation Authority – Rideau Valley Conservation Authority
The application requests approval to sever a 2 acre parcel with 164 acres remaining in the retained. The RVCA completed a site inspection in 2006 as a result of a previous severance application. At that time we noted that the subject lands contained a large portion of an unevaluated wetland. The wetland is not located near the current proposed lot. There is no anticipated impact to natural heritage features due to the proposal, the RVCA has no objection. We recommend that a 30 metre wide protective buffer (no development) be established around the wetland on the retained property.
Please advise us on the committee's decision on the application or any changes in the status of the application.

On-Site Services (Septics) – Mississippi-Rideau Septic Office
A review has been undertaken to ensure that a septic system meeting the minimum requirements established in Part 8 of the Ontario Building Code can be maintained or

constructed on both the severed and retained portion of the subject property.

The severed portion of the subject property has an area of approximately 2 acres. The retained portion is proposed to have an area of 164.4 acres. There is sufficient space for both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

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

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

Hydro One Networks – No comments were received.

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

County of Lanark Public Works – The severed lands have an approved entrance location permit No. 2175 and the retained lands have an approved entrance location permit No. 2180. Entrance to be installed prior to deed endorsement. Lands for Road Widening not required.

PUBLIC INPUT

Written submissions were received in response to the notice of application sent to every landowner pursuant to Clause 53(5) (a) of the Planning Act and Section 3(2) of O.Reg. 197/96 as amended, as follows:
Don and Kelly Pierman (Agents for the applicants) have agreed to increase the proposed lot size from 0.81-ha to 1.0-ha (78.12 m x 128.0 m)

MINUTES OF PUBLIC MEETING

(August 25, 2008)

Don and Kelly Pierman, agents for the applicants were present at the public meeting held on Monday August 25, 2008 and gave evidence under oath. The Pierman's confirmed that they would increase the lot area to comply with the Tay Valley Township Zoning By-law.

DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

1. That the size of the proposed lot be increase to 1.0-ha (78.12 m x 128.0 m);

2. An acceptable reference plan or legal description of the severed lands and the deed or instrument conveying the severed lands shall be submitted to the Planning Approvals Administrator for review and consent endorsement within a period of **one year** after the 'Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act;

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

4. The Township shall be reimbursed for all costs incurred by the Township for reviewing this application;

5. Two copies of the registered reference plan shall be provided to the Township;

6. The purchaser's solicitor shall undertaken to provide the Township with a copy of the registered transfer;

7. Payment shall be made to Tay Valley Township in the amount of $100.00 pursuant to Section 51.1 of the Planning Act (Cash-in-Lieu of Parklands);

8. The County Public Works Department shall confirm that the existing / proposed entrances to the lots to be severed and retained have been installed to the satisfaction of the County;

9. A letter shall be received from the Township sating that Conditions #3 to #7 have been fulfilled to their satisfaction;

10. A letter shall be received from the County of Lanark Public Works department that condition #8 has been fulfilled to their satisfaction.

NOTES:

The owner shall be advised that a Mineral Aggregate Reserve is located within proximity to the severed lot. The Zoning By-law includes a provision requiring a separation distance between new dwellings and certain zones or land uses on other lots (section 3.18). Future development on the severed and retained lot must comply with Section 3.18 of the Zoning By-law.

The owner should be advised that an “unidentified Mine” is locate within proximity to the severed lot. Further information regarding the “Mine” is available from the Ministry of Northern Development and Mines.

The RVCA recommends that a 30 metres wide protective buffer (no development) be established around the wetland on the retained property.