MINUTES
LAND DIVISION COMMITTEE

The Land Division Committee met in regular session on Monday, December 15, 2008 at 9:00 a.m. at the Lanark County Administration Building, Perth, Ontario.

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

Staff Present: M. Kirkham, Secretary-Treasurer

LAND DIVISION COMMITTEE

Chair: R. Strachan

1. CALL TO ORDER

The meeting was called to order at 9:00 a.m. A quorum was present.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. APPROVAL OF MINUTES

MOTION #LD-2008-035

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

"**THAT,** the minutes of the Land Division Committee meeting held on November 24, 2008 be approved as circulated." **ADOPTED**

4. ADDITIONS & APPROVAL OF AGENDA

MOTION #LD-2008-036

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

"**THAT,** the agenda be adopted as circulated ". **ADOPTED**

5. DELEGATIONS & PRESENTATIONS

None.

6. COMMUNICATIONS

6.1 Notice of Hearing – OMB B08/043 Miller – Wednesday January 21, 2009 at 11:00 a.m. – Council Chambers, Municipal Building, 3131 Old Perth Road, Mississippi Mills ON.
6.2 Rideau Valley Conservation Authority – Notice of new fees for 2009.
6.3 Mississippi Valley Conservation – Notice of new fees for 2009.
6.4 Leeds Grenville and Lanark District Health Unit – Notice of new fees for 2009.
6.5 Ontario Association of Committees of Adjustment and Consent Authorities – December Newsletter, notice of 2009 Conference (May 31 to June 3, 2009) in Waterloo.

7. REPORTS

7.1 NEW APPLICATIONS TO BE HEARD:

7.1.1 B08/138 and B08/139, Stan and Marie Greer
Pt Lot 19, Concession 5 Township of Montague (Rosedale Road North)

7.1.2 B08/142, Sheila Holloway
Pt Lot 21, Concession 2, geographic Township of Lanark, now in the Township of Lanark Highlands (South Lavant Road)

7.1.3 B08/149, Armand Fournier
Pt Lot 21 and 22, Concession 2, geographic Township of Drummond, now in the Township of Drummond / North Elmsley (Drummond Conc. 2A)

7.1.4 B08/150, Doris Quinn
Pt Lot 4 Concession 9, geographic Township of Lanark, now in the Township of Lanark Highlands (Upper Perth Road)

7.1.5 B08/156, Wayne Kirkham
Pt Lot 3 Concession 8, geographic Township of Bathurst, now in Tay Valley Township (Doran Road).

7.1.6 B08/159, James F and Margaret A Ramsey
Pt Lot 13, Concession 9, geographic Township of Dalhousie, now in the Township of Lanark Highlands. (Stewart Lane)

7.1.7 B08/160 and B08/161, Adam O'Connor
Pt Lot 23, Concession 4, Township of Beckwith (Richmond Road)

7.1.8 B08/162, Judy Helen Taylor
Pt Lot 5, Concession A, Township of Montague (Heritage Drive)

7.1.9 B08/163, Joyce Buckley & Ronald Stinson
Pt Lot 3 Concession 1, Township of Montague (Richardson Road)

7.2. APPLICATIONS PREVIOUSLY HEARD AND AWAITING A DECISION

7.2.1 B08/044 – Ian Peddie
Pt Lot 7 & 8, Conc. 1 & 2, geographic Township of South Sherbrooke, now in Tay Valley Township. (Farren Lake Lane 31)

8. NEW/OTHER BUSINESS

8.1 Review Policy / Procedures Manual – Committee reviewed the draft Policy and provided comments and amendments.

MOTION #LD-2008-037

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

"**THAT,** the Consent Policy / Procedures Manual be adopted as presented and amended ". **ADOPTED**

8.2 Revised Consent Application Form – Committee reviewed the draft revised Application Forms.

MOTION #LD-2008-038

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

"**THAT,** the 2009 Consent Application Form be adopted as presented and amended;
AND THAT, the 2009 Form is hereby adopted for use commencing January 1, 2009". **ADOPTED**

8.3 Ontario Association of Committees of Adjustment and Consent Authorities notice of membership application for 2009. $110.00 per member.

MOTION #LD-2008-039

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

"**THAT,** the Secretary-Treasurer be authorized to submit OACA 2009 membership fees on behalf of all members of the Land Division Committee and the Secretary-Treasurer". **ADOPTED**

9. PROVISIONAL CONSENT WAS GRANTED FOR THE FOLLOWING;

9.1 B08/044 – Ian Peddie

9.2 B08/138 & B08/139 – Stan and Marie Greer

9.3 B08/142 – Sheila Holloway

9.4 B08/149 – Armand Fournier

9.5 B08/150 – Doris Quinn

9.6 B08/156 – Wayne Kirkham

9.7 B08/159 – James & Margaret Ramsey

9.8 B08/160 & B08/161 – Adam O'Connor

9.9 B08/162 – Judy Helen Taylor

9.10 B08/163 – Joyce Buckley & Ronald Stinson

10. ADJOURNMENT

The next meeting date was scheduled for January 26, 2009.

The meeting adjourned at 12:45 p.m.

Mary Kirkham
Secretary-Treasurer

PUBLIC

HEARING

REPORTS

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Ian Lorne & Elizabeth Yvonne Peddie **Hearing Date:** November 24, 2008

Agent: S Craig Halpenny (Barker Willson)

LDC File #: B08/044

Municipality: Tay Valley

Geographic Township: South Sherbrooke **Lot:** 7 & 8 **Concession:** 1 & 2

Roll No. Multiple **Consent Type**: Easement

Purpose and Effect:
To relocate portions of the existing private road known as Farren Lake Lane 31. The Peddie's propose to grant a right-of-way to ten affected properties owner the relocated portions of the private road. In exchange, the ten property owners will relinquish their rights-of-way over portions of the old road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant R-O-W	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	n/a	n/a
Water Supply **Sewage Disposal**	n/a	n/a
Official Plan Designation **-Conformity?**	Rural Yes	
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural & Seasonal Residential n/a	Rural & Seasonal Residential n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
Section 1.6.6.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

Official Plan – Section 3.6 Rural, Section 4.5 Private Roads, Section 5.2.3 Consent Policies

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

Zoning By-law – Section 10. Rural, Section5.2 Seasonal Residential
Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

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

1. Payment of all taxes owing;
2. Payment of all costs incurred by the Township for the review process.
3. Copy of the deed / transfer;
4. Two copies of the reference plan;
5. The relocated right-of-way should be established with a minimum width of 9m.

Tay Valley also offers the following, in support of their recommendation:

1. Portions of the existing right-of-way (private road) which are not currently travelled are to be released and replaced with a now relocated right-of-way that reflects the location of the existing roads that currently do provide access to waterfront properties. The relocation of the right-of-way is not interpreted as the creation of a new private road.
2. Certain other portions of the travelled road are being release and relocated to a new location, further from the lake. The relocated right-of-way is located such that it will no longer bisect the waterfront lots, and will continue to provide access to existing waterfront properties.

Conservation Authority – Rideau Valley Conservation Authority
(June 2, 2008)
The subject application for consent has been reviewed by the Rideau Valley Conservation Authority (RVCA). The application involves the relocation of a private road (Farren Lake Lane 31) which is used to access 120 waterfront properties along Farren Lake.

Ontario Base mapping published by the Ministry of Natural Resources indicates that there is a watercourse flowing into Farren Lake on the subject property. The watercourse flows through Parts 11 – 16 on the plan provided. This was verified on site. There is a culvert on the existing ROW. We note that there is a seasonal wet area on the subject lands just south of the ROW which is not delineated on the MNR mapping (but displayed on the plan provided). Wetland indicator species such as willow, ash and sedges are found in this area. This wet area is hydrogically linked to the lake. We note that although the wetlands are not delineated on the map, they provide storage and filtration functions for the lake.

Please note that the watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and

Watercourses" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse (decommissioning and installation of a culvert requires a permit).

The RVCA recommends that construction details and any plans for future development be provided specifically related to lots 205 and 206. No information has been provided with regards to the decommissioning of the ROW and the construction details of the new ROW. These details are required prior to any site disturbance or placement of fill on the south side of the existing ROW.

Information at this time is not sufficient to determine whether the construction of a new ROW will result in a harmful alteration, disruption or destruction (HADD) of fish habitat. We must review the project in order to protect fish habitat and fulfil our obligations under our level 2 agreement with Department of Fisheries and Oceans, under the habitat provisions of Section 35 of the Canada *Fisheries Act.*

The purpose of fish habitat assessment is to adequately characterize fish habitat as defined by the *Federal Fisheries Act.* Fish habitat is defined by the act as "Spawning grounds and nursery, rearing, food supply, migration and any other areas on which fish depend directly or indirectly in order to carry out their life processes". In addition to important baseline information it is the role of the consultant to provide a detailed impact analysis exploring options in design and location of the undertaking for the purpose of clearly demonstrating avoidance of any predicted harmful impacts. The assessment must be completed in the spring / early summer (early ice out for northern pike spawning and nursery and May for other species). Once there is confirmation of the selected Biologist, this individual must contact the Conservation Authority Biologist prior to any sampling to obtain direction and develop a work plan for the fish and fish habitat assessment.

Thank you for providing the opportunity to the Conservation Authority to review this proposal. Prior to giving this application further consideration, we recommend that the issues identified in this letter be clarified so that we have a better understanding of the impacts to the terrestrial and aquatic habitat.

(November 4, 2008)

The RVCA has received supplemental information in regard to the application. The RVCA has reviewed the report "Access Road and Alternative Cottage Building Site", prepared by Hans K. von Rosen, Pinegrove Biotechnical, dated August 2008, Lot 7 & 8 Con II, South Sherbrooke Ward, Tay Valley Township. The report addresses the relocation of a private road (Farren Lake Lane 31) and fisheries issues raised by the RVCA in previous correspondence.

The report states that the revised location will not impact direct fish habitat and that relief may be required in regard to developing the existing lots from Farren Lake. Specific construction and site development details will be addressed in any forthcoming application to the municipality. The RVCA has no objection to the revised application in regard to the relocation of the ROW. We note that the applicant must apply under Section 28 of the *Conservation Authorities Act* prior to any alteration of the waterway

that flow under the existing ROW or construction of the new ROW. As part of the application in regard to the *Conservation Authorities Act* specific measures will be required to mitigate impacts to the aquatic environment and satisfy requirements under Section 35 of the *Federal Fisheries Act.*

All conditions outlined in the report by Mr. von Rosen will be included as part of the RVCA approval for the future works.

We thank the applicant for addressing our concerns. We would appreciate being apprised of the decision and any changes to the application.

On-Site Services (Septics) – Mississippi – Rideau Septic Office
The applicant is proposing to clarify various rights of way and seek permission to relocate the
travelled right-of-way away from Farren Lake and property to be developed in the future. The current designation of the subject land is Rural.

The proposed severance will have no impact on any existing or future septic systems for the property.

The Tay Valley Septic Office recommends granting this severance provided all development take 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 require for development to proceed. These matters may be commented on separately by the Rideau Valley Conservation Authority and advice provided to the approval authority.

Hydro One Networks – n/a

Bell Canada R-O-W – n/a

(c) PLANNING REVIEW

The purpose of the application is two-fold. Firstly to clarify the location of the various rights-of-way currently crossing the Peddie property and, secondly to relocate a portion of the currently travelled right-of-way away from Farren Lake and away from existing or to be developed lands. The R-O-W forms parts of Farren Lake Lane 31A (Private Road).

The application was tentatively scheduled to be heard by the Land Division Committee at their June meeting; however at the request of the agent, the hearing was deferred pending submission of an Environmental Impact Report and further review by the Conservation Authority.

The subject lands are located in an area characterized by Seasonal Residential Development. Development is predominately ‘water orientated’ on a variety of small lots to the west and east; open rural lands are located to the south and Farren Lake is located to the north.

The lands are located within 300 m of a waterbody (Farren Lake), therefore are subject to possible “Archaeological Potential”.

Concerns and/or objections were raised by the Conservation Authority which were addressed
Through the provision of a report entitled “Access Road and Alternative Cottage Building Site”, prepared by Pinegrove Biotechnical and dated August 20, 2008. (Copy attached)
Specific measures to mitigate impacts of the development can be addressed through a requirement to enter into a “Development Agreement”, between the Township, Conservation Authority and the applicant.

In light of the foregoing, this office is satisfied that the applicant’s proposal maintains the general intent and purpose of the PPS and Official Plan for Tay Valley Township and could be given favourable consideration.

(d) <u>PUBLIC INPUT</u>

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:

Mark Thompson (April 25, 2008)
Andrew Thompson (April 25, 2008)
Evelyn Gowland / Murray McDonald (April 25, 2008) and
Hans Stutz (May 9, 2008)
.

RECEIVED
MAY - 1 2008
LANARK COUNTY
PLANNING APPROVALS
DEPARTMENT

April 25, 2008

Land Division Committee
COUNTY OF LANARK
Administration Building, 99 Christie Lake Road (Sunset Blvd.)
P.O. Box 37,
Perth, ON K7H 3E2

Dear Sir/Madam:

Re: File No: B08/044
Pt. Lots 7 & 8, Concession 1 & 2, Township of South Sherbrooke
Tay Valley Township
Peddie Application

Enclosed is a photo of Plan 27R-3154 showing my property marked by lines to indicate its location.

As owner of Part 1 Plan 27R-1193, I was given notice of the above application. No legal right-of-way was ever granted by deed over my lands and the proposed relocation runs through the middle of my property. This is not acceptable to me.

However, I suggest that a sensible way to provide access to the relevant land owners is instead to provide access over Part 7 Plan 27R-3154, which already exists as a legal right-of-way, and over Part 10 Plan 27R-3154 as shown on the attached sketch. This would mean that the Peddie lots, the Gowland lot, the Mark Thompson lot and the Andrew Thompson lot would all be serviced by a proper right-of-way which did not run through the middle of their lots.

Please find enclosed my sketch showing this proposal as it affects these lots.

Please give me notice of:

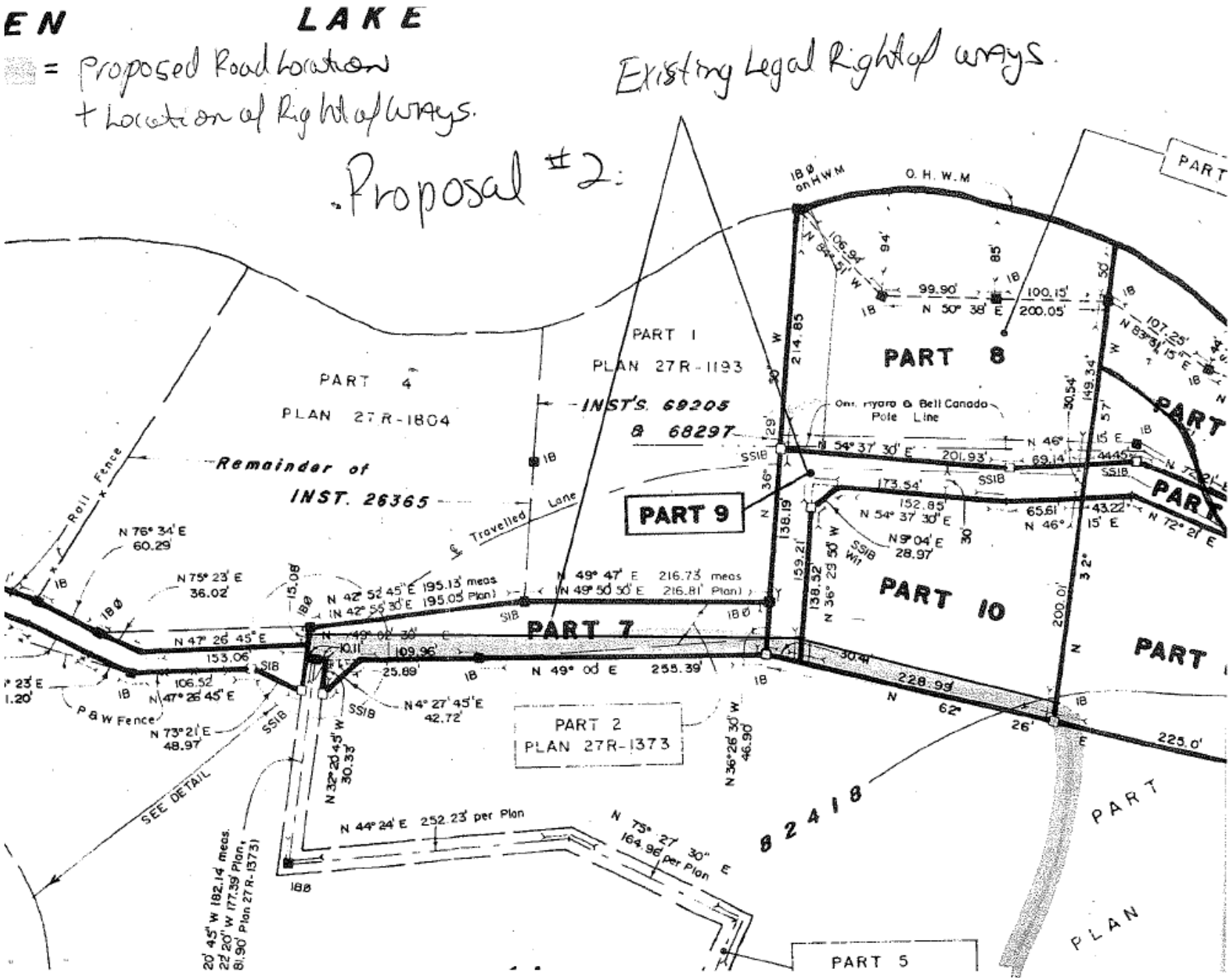
(a) any public meeting; and
(b) any decision of the Land Division Committee.

Yours very truly,

Mark Thompson

Mark Thompson
Enclosure

210 Booth Ave
Ottawa, ON
K1S 2L8


EN LAKE
= Proposed Road Location + Location of Right of Ways.
Existing Legal Right of ways.
Proposal #2:
PART 1
PLAN 27R-1193
PART 4
PLAN 27R-1804
INST'S. 69205 & 68297
Remainder of INST. 26365
PART 8
PART 9
PART 10
PART 7
PART 2
PLAN 27R-1373
PART 5
PART
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O. H. W. M
Ont. Hydro & Bell Canada Pole Line
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N 76° 34' E 60.29'
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N 75° 27' 30" E 164.96' per Plan
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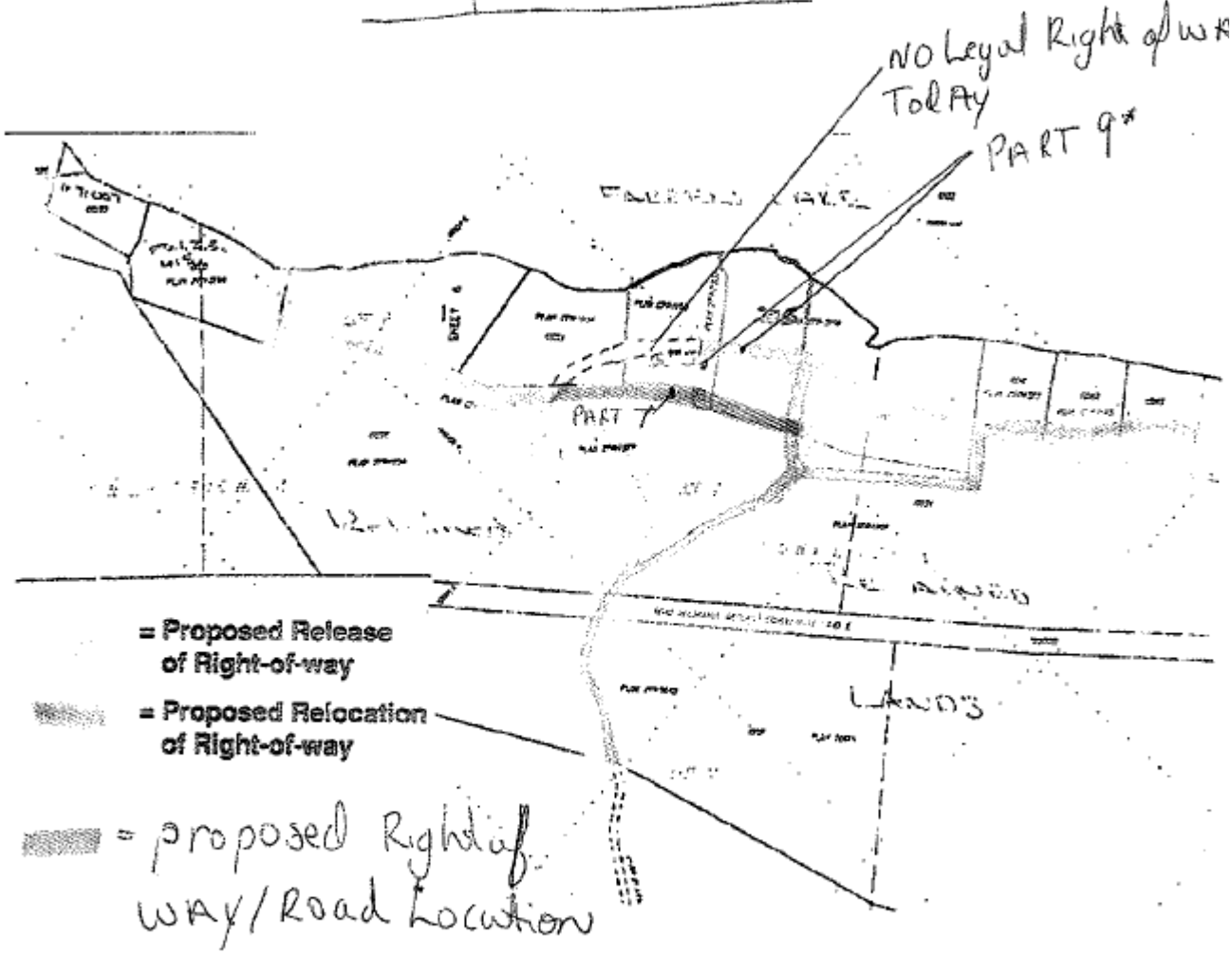
N 54° 37' 30" E
N 9° 04' E 28.97'
N 50° 38' E
N 62° 26' E
N 46° 15' E
N 72° 21' E
N 36° 29' 50" W
N 84° 51' W
N 83° 51' 15" E
N 84° 51' W
N 49° 02' 30" E
N 47° 26' 45" E
N 42° 55' 30" E 195.05' Plan)
N 49° 50' 50" E 216.81' Plan)
20' 45" W 182.14' meas.
22' 20" W 177.39' Plan,
81.90' Plan 27R-1373)
82418
99.90'
100.15'
200.05'
214.85
138.19
159.21
138.52
228.99
225.0'
200.01'
149.34'
30.54'
107.25'
106.94'
94'
85'
50'
57'
32'
30'
26'
30.41'
15.08'
153.06
106.52
109.96'
25.89'
10.11
29'
30'
36'
29'
30'
15'
18Ø
18Ø on H.W.M
SSIB
SIB
IB

Proposal #2



* PART 7 + PART 9 = Existing Legal Right of ways

RECEIVED
MAY - 1 2008
LANARK COUNTY
PLANNING APPROVALS
DEPARTMENT

April 25, 2008

Land Division Committee
COUNTY OF LANARK
Administration Building, 99 Christie Lake Road (Sunset Blvd.)
P.O. Box 37,
Perth, ON K7H 3E2

Dear Sir/Madam:

Re: File No: B08/044
Pt. Lots 7 & 8, Concession 1 & 2, Township of South Sherbrooke
Tay Valley Township
Peddie Application

Enclosed is a photo of Plan 27R-3154 showing my property marked by lines to indicate its location.

As owner of Parts 8, 9 & 10 Plan 27R-3154, I was given notice of the above application. The proposed relocation runs through the middle of my property. This is not acceptable to me.

However, I suggest that a sensible way to provide access to the relevant land owners is instead to provide access over Part 7 Plan 27R-3154, which already exists as a legal right-of-way, and over part 10 Plan 27R-3154 as shown on the attached sketch. This would mean that the Peddie lots, the Gowland lot, the Mark Thompson lot and the Andrew Thompson lot would all be serviced by a proper right-of-way which did not run through the middle of their lots.

Please find enclosed my sketch showing this proposal as it affects these lots.

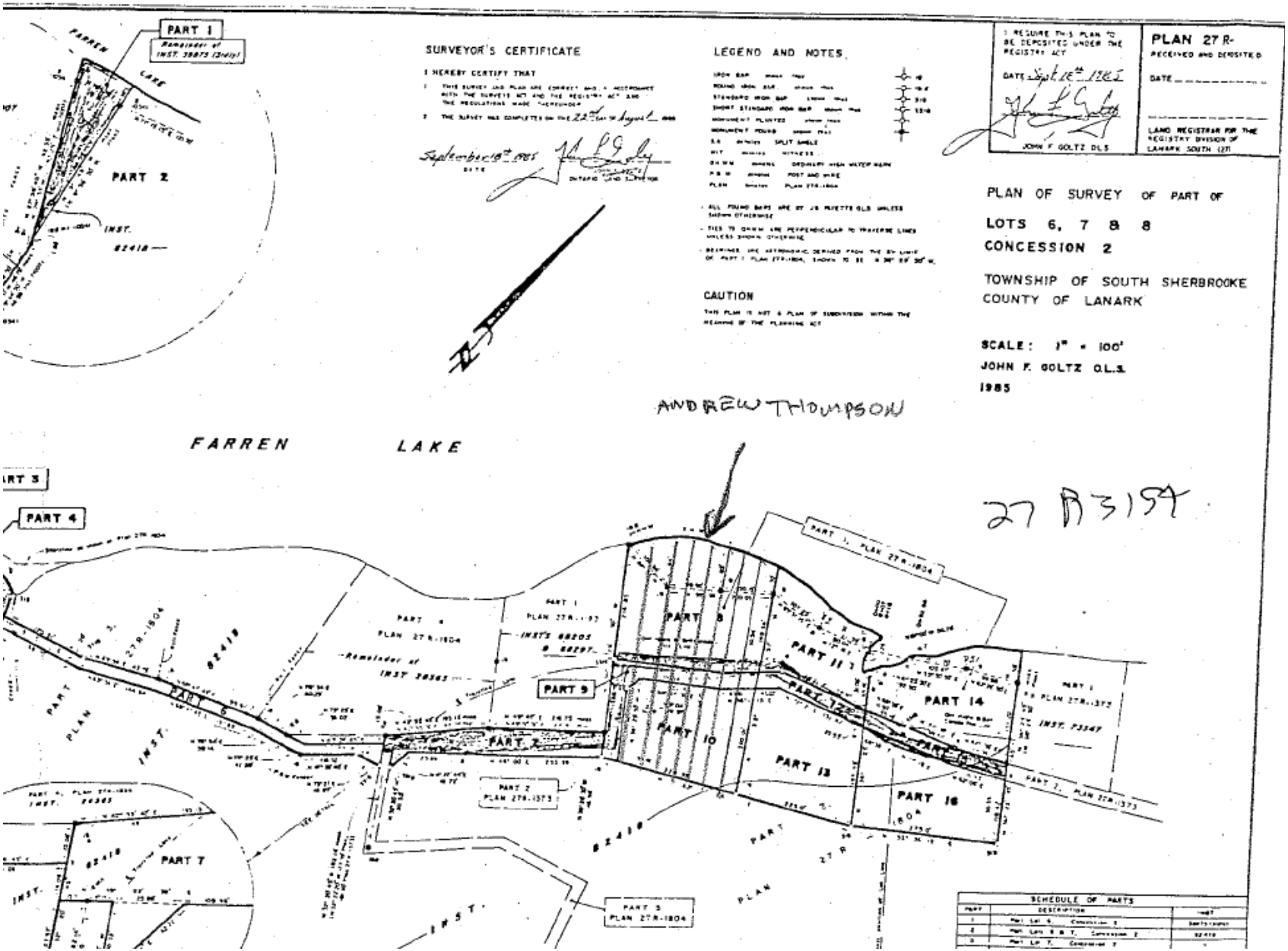
Please give me notice of:

(a) any public meeting; and
(b) any decision of the Land Division Committee.

Yours very truly,

Andrew Thompson
Enclosure

44 Manning Court
Kanata, Ontario
K2K 3W3
613-291-9308


PART 1
Remainder of INST. 38875 (Sheet)
FARREN LAKE
PART 2
INST. 82418
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT
1 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER
2 THE SURVEY WAS COMPLETED ON THE 22nd DAY OF August 1985
September 18th 1985
DATE
ONTARIO LAND SURVEYOR
LEGEND AND NOTES
IRON BAR
ROUND IRON BAR
STANDARD IRON BAR
SHORT STANDARD IRON BAR
MONUMENT PLANTED
MONUMENT FOUND
S.B. SPLIT BABLE
WIT. WITNESS
O.H.W.M. ORDINARY HIGH WATER MARK
P.B.W. POST AND WIRE
PLAN PLAN 27R-1804
ALL FOUND BARS ARE OF J.B. RIZETTE O.L.S. UNLESS SHOWN OTHERWISE
TIES TO O.H.W.M. ARE PERPENDICULAR TO TRAVERSE LINES UNLESS SHOWN OTHERWISE
BEARINGS ARE ASTRONOMIC DERIVED FROM THE S. LIMIT OF PART 1 PLAN 27R-1804, SHOWN TO BE N 38° 55' 30" W.
CAUTION
THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT
DATE September 18th 1985
JOHN F. GOLTZ O.L.S.
PLAN 27R-
RECEIVED AND DEPOSITED
DATE
LAND REGISTRAR FOR THE REGISTRY DIVISION OF LANARK SOUTH (27)
PLAN OF SURVEY OF PART OF
LOTS 6, 7 & 8
CONCESSION 2
TOWNSHIP OF SOUTH SHERBROOKE
COUNTY OF LANARK
SCALE: 1" = 100'
JOHN F. GOLTZ O.L.S.
1985
ANDREW THOMPSON
27R3154
FARREN LAKE
PART 3
PART 4
PART 5
PART 6
PART 7
PART 8
PART 9
PART 10
PART 11
PART 12
PART 13
PART 14
PART 16
PART 1 PLAN 27R-1804
PART 4 PLAN 27R-1804
Remainder of INST 38365
PART 1 PLAN 27R-1373
INST. 82418
INST. 82419
INST. 82420
INST. 82421
INST. 82422
INST. 82423
INST. 82424
INST. 82425
INST. 82426
INST. 82427
INST. 82428
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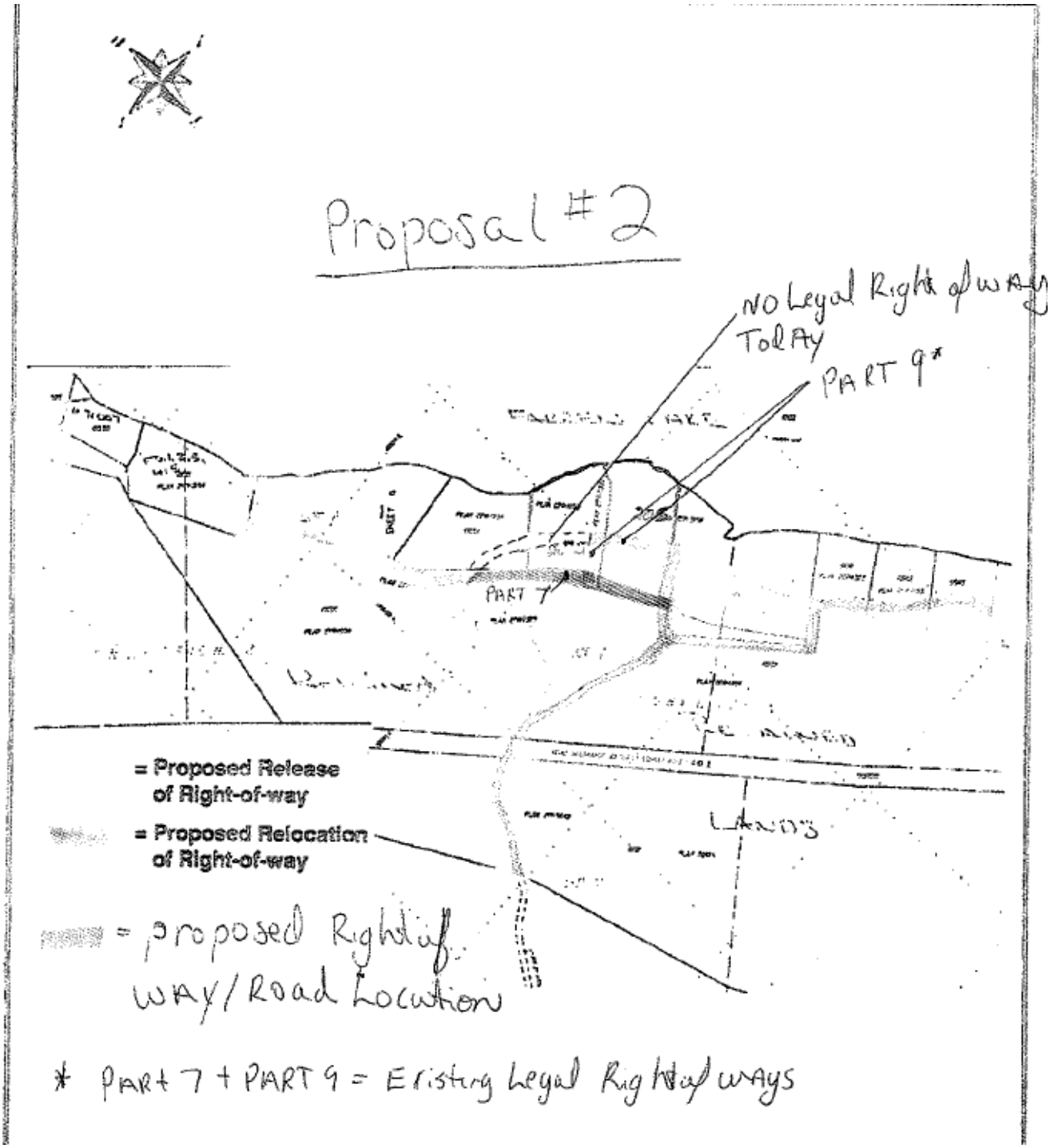
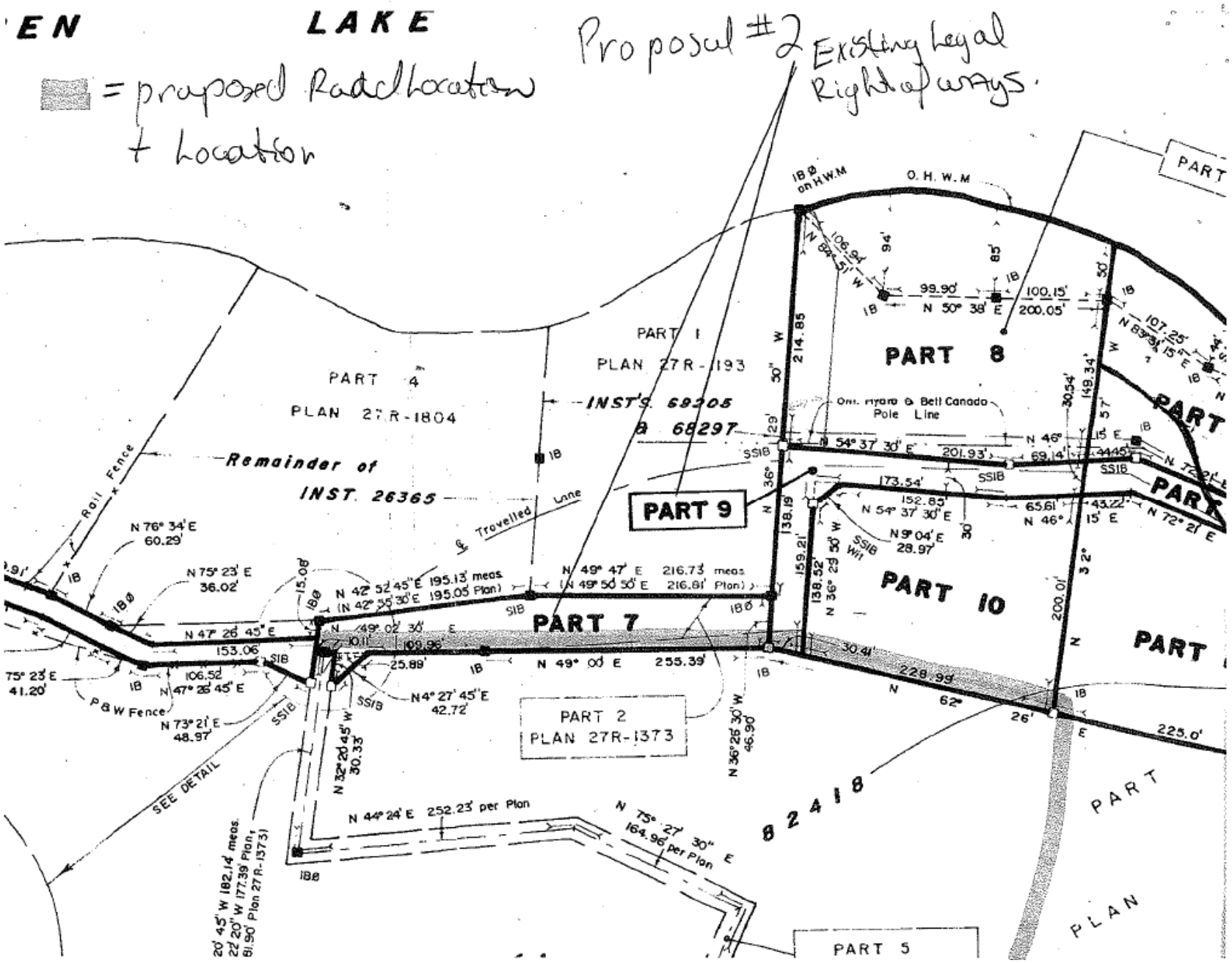
INST. 82434
INST. 82435
INST. 82436
INST. 82437
INST.


Proposal #2
NO Legal Right of way Today
PART 9*
PART 7
= Proposed Release of Right-of-way
= Proposed Relocation of Right-of-way
= proposed Right of WAY/Road Location
* PART 7 + PART 9 = Existing Legal Right of WAYS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N 32° 20' 45" W 30.33'
N 50° 38' E 200.05'
N 54° 37' 30" E 201.93'
N 54° 37' 30" E 152.85'
N 9° 04' E 28.97'
N 36° 29' 50" W 138.52'
N 62° 26' E 228.99'
N 72° 21' E 225.0'
N 46° 15' E 69.14'
N 46° 15' E 43.22'
N 83° 31' 15" E 107.25'
N 84° 51' W 106.94'
99.90'
100.15'
214.85
149.34'
200.01'
138.19'
159.21'
30.41'
30.54'
15.08'
25.88'
109.96'
153.06
106.52
75° 23' E 41.20'
20' 45" W 182.14' meas.
22' 20" W 177.39' Plan
81.90' Plan 27R-1373

April 25, 2008

Land Division Committee
COUNTY OF LANARK
Administration Building, 99 Christie Lake Road (Sunset Blvd.)
P.O. Box 37,
Perth, ON K7H 3E2

Dear Sir/Madam:

Re: File No: B08/044
Pt. Lots 7 & 8, Concession 1 & 2, Township of South Sherbrooke
Tay Valley Township
Peddie Application

Enclosed is a photo of Plan 27R-3154 showing my property marked by lines to indicate its location.

As owner of Part 4 Plan 27R-1804, I was given notice of the above application. No legal right-of-way was ever granted by deed over my lands and the proposed relocation runs through the middle of my property. This is not acceptable to me.

However, I suggest that a sensible way to provide access to the relevant land owners is instead to provide access over Part 7, Plan 27R-3154, which already exists as a legal right-of-way and over Part 10 Plan 27R-3154 as shown on the attached sketch. This would mean that the Peddie lots, the Gowland lot, the Mark Thompson lot and the Andrew Thompson lot would all be serviced by a proper right-of-way which did not run through the middle of their lots.

Please find enclosed my sketch showing this proposal as it affects these lots.

Please give me notice of:

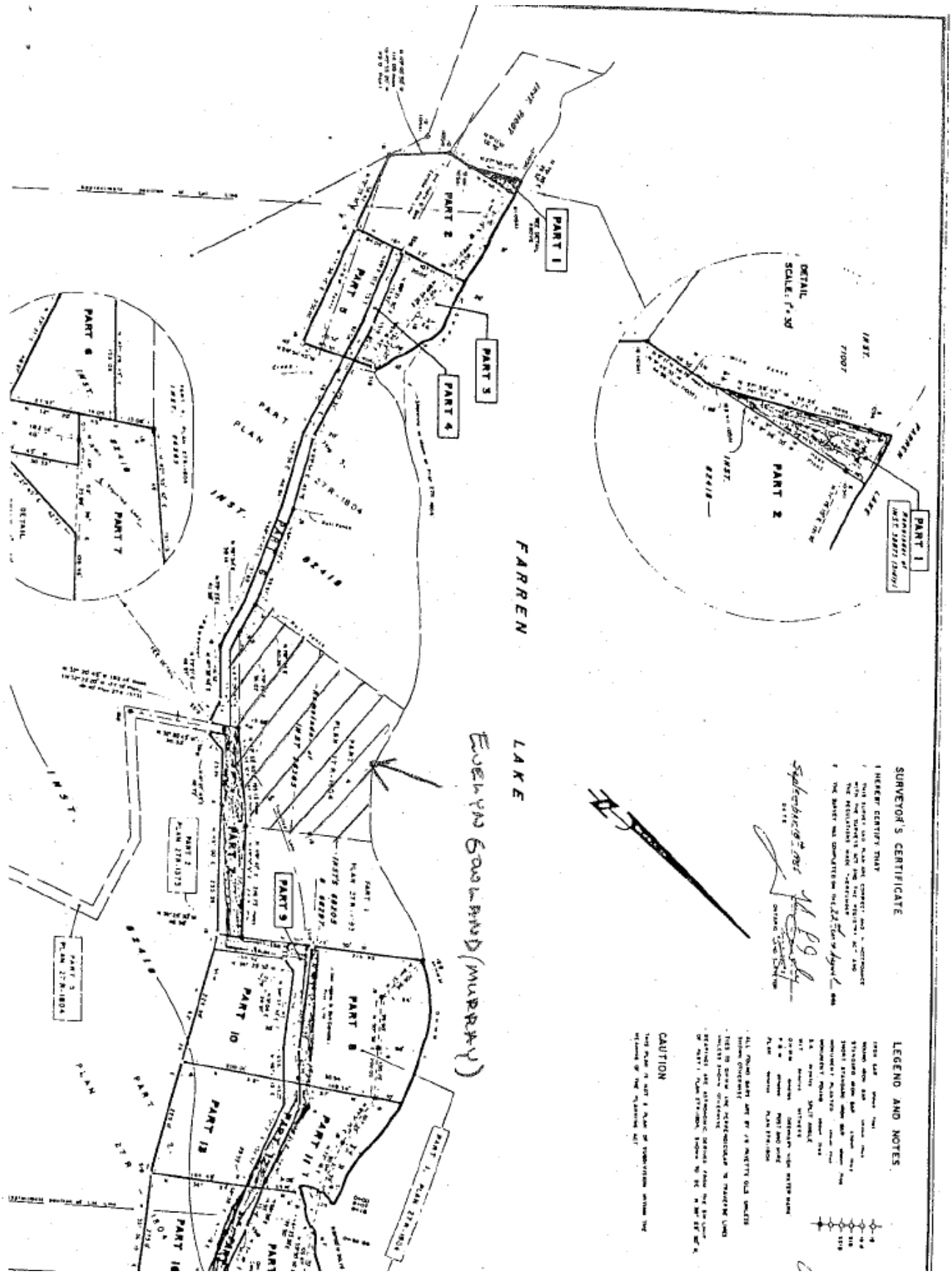
(a) any public meeting; and
(b) any decision of the Land Division Committee.

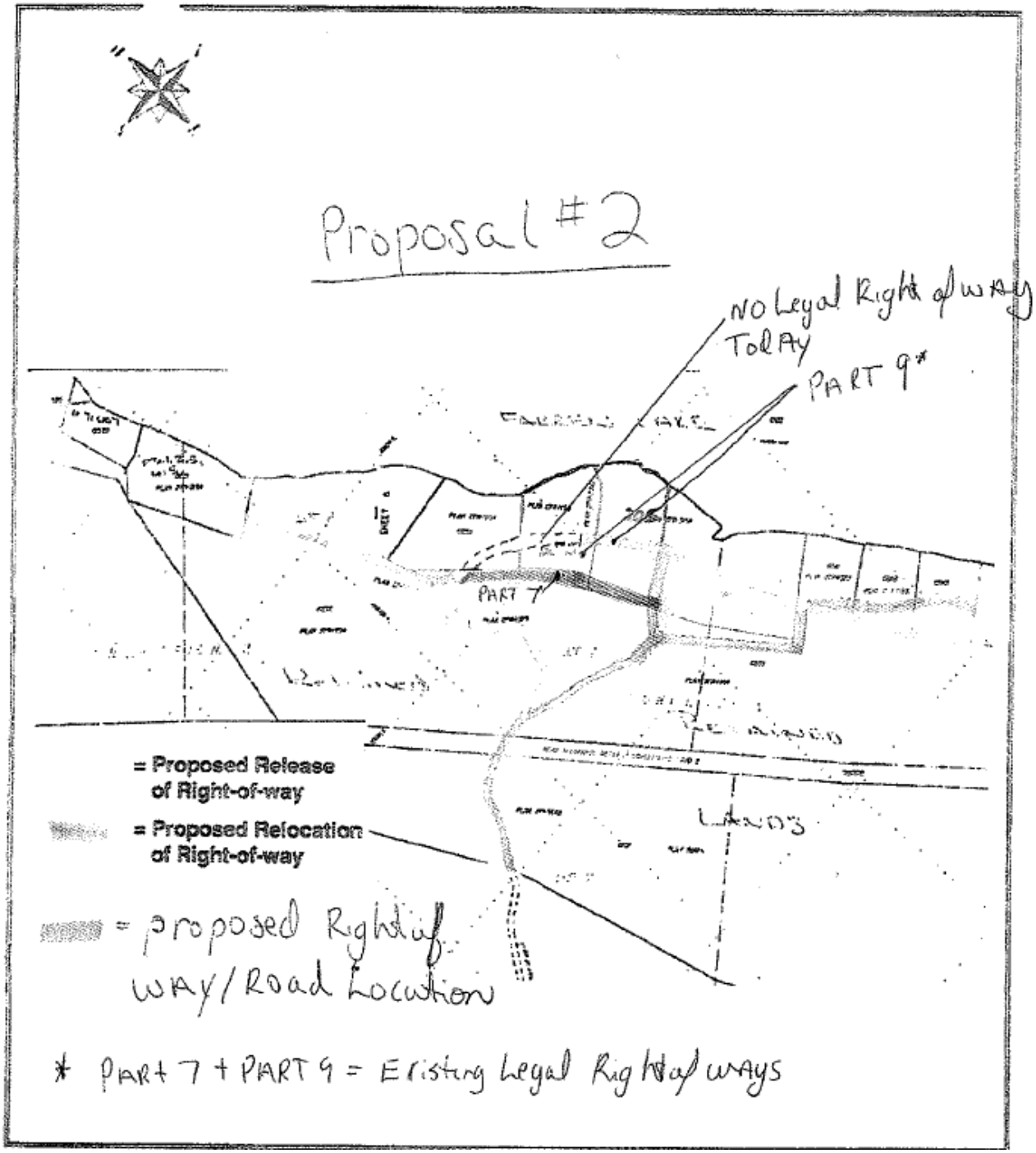
Yours very truly,

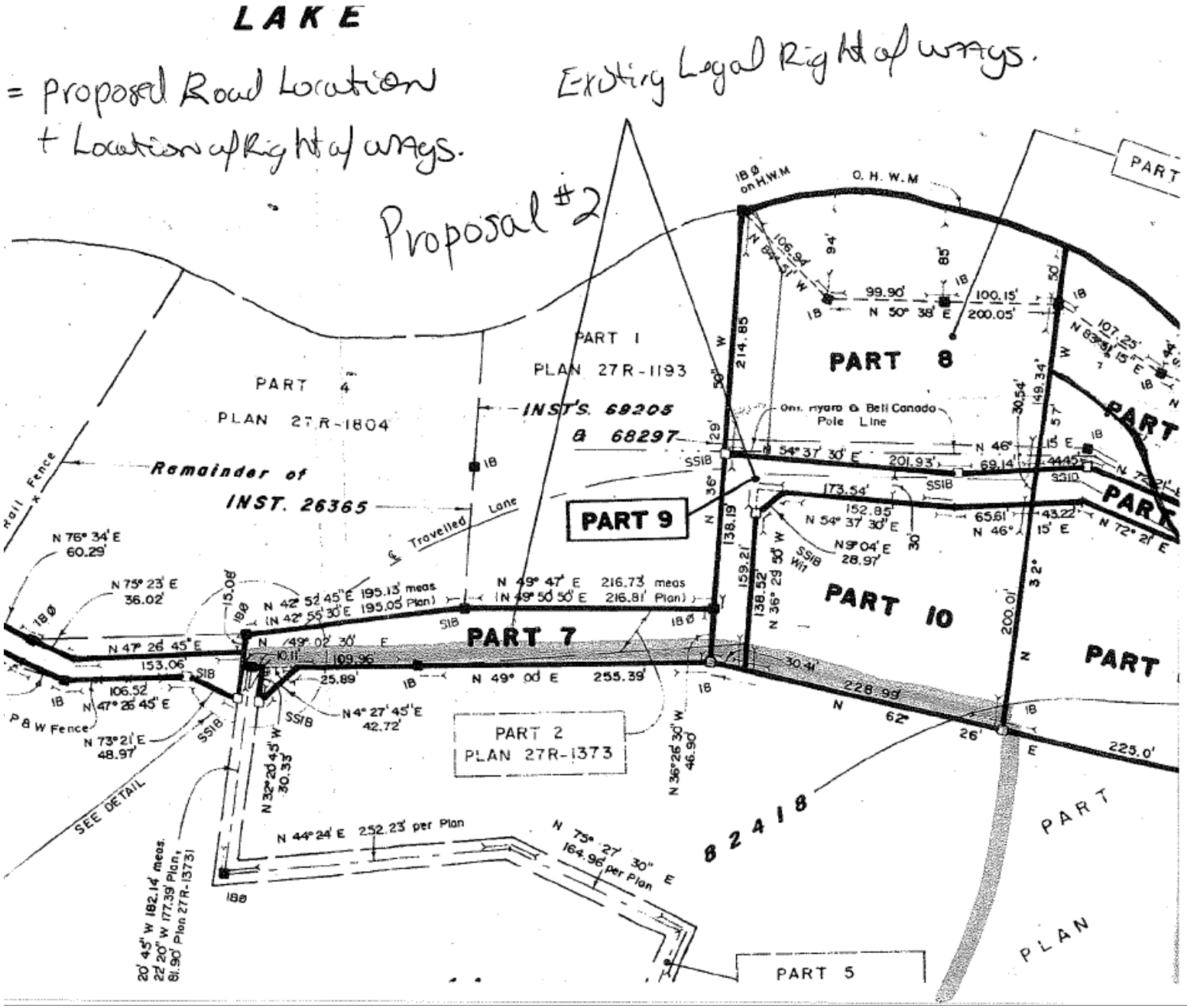
Evelyn M. McDonald Gowland

Evelyn Gowland / Murray McDonald
Enclosure

159 Belmont Ave
Ottawa
K1S 0V4


FARREN LAKE
EVELYN GOWLAND (MURRAY)
PART 1
PART 2
PART 3
PART 4
PART 5
PART 6
PART 7
PART 8
PART 9
PART 10
PART 11
PART 12
PART 13
DETAIL
SCALE: 1" = 30'
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT
LEGEND AND NOTES
CAUTION


Proposal #2
No Legal Right of way Today
PART 9*
PART 7
= Proposed Release of Right-of-way
= Proposed Relocation of Right-of-way
= proposed Right of way/Road Location
* PART 7 + PART 9 = Existing Legal Right of ways


LAKE
= Proposed Road Location
+ Location of Right of ways.
Existing Legal Right of ways.
Proposal #2
PART 1
PLAN 27R-1193
PART 4
PLAN 27R-1804
INST'S. 69205
& 68297
Remainder of
INST. 26365
Travelled Lane
PART 9
PART 8
PART 10
PART 7
PART 2
PLAN 27R-1373
PART 5
PART
PLAN
O. H. W. M
Ont. Hydro & Bell Canada
Pole Line
N 76° 34' E
60.29'
N 75° 23' E
36.02'
N 47° 26' 45" E
153.06'
N 49° 47' E 216.73' meas
(N 49° 50' 50" E 216.81' Plan)
N 49° 00' E 255.39'
N 4° 27' 45" E
42.72'
N 73° 21' E
48.97'
N 44° 24' E 252.23' per Plan
N 75° 27' 30" E
164.96' per Plan
N 50° 38' E 200.05'
N 54° 37' 30" E 201.93'
N 9° 04' E
28.97'
N 72° 21' E
225.0'
SEE DETAIL
P & W Fence
Rail Fence
82418

TRANSMITTAL FORM

H A N S L. S T U T Z

30 CARTIER STREET
OTTAWA, ONTARIO K2P2E7
TEL. (613) 236-5000
FAX. (613) 238-3842

TO MS. MARY KIRKHAM

ADDRESS TAY VALLEY TOWNSHIP

PROJECT PEDDIE APPLICATION - FARREN LAKE

ATTENTION OF _____ DATE MAY 9, 2008

ENCLOSED YOU WILL FIND THE FOLLOWING:

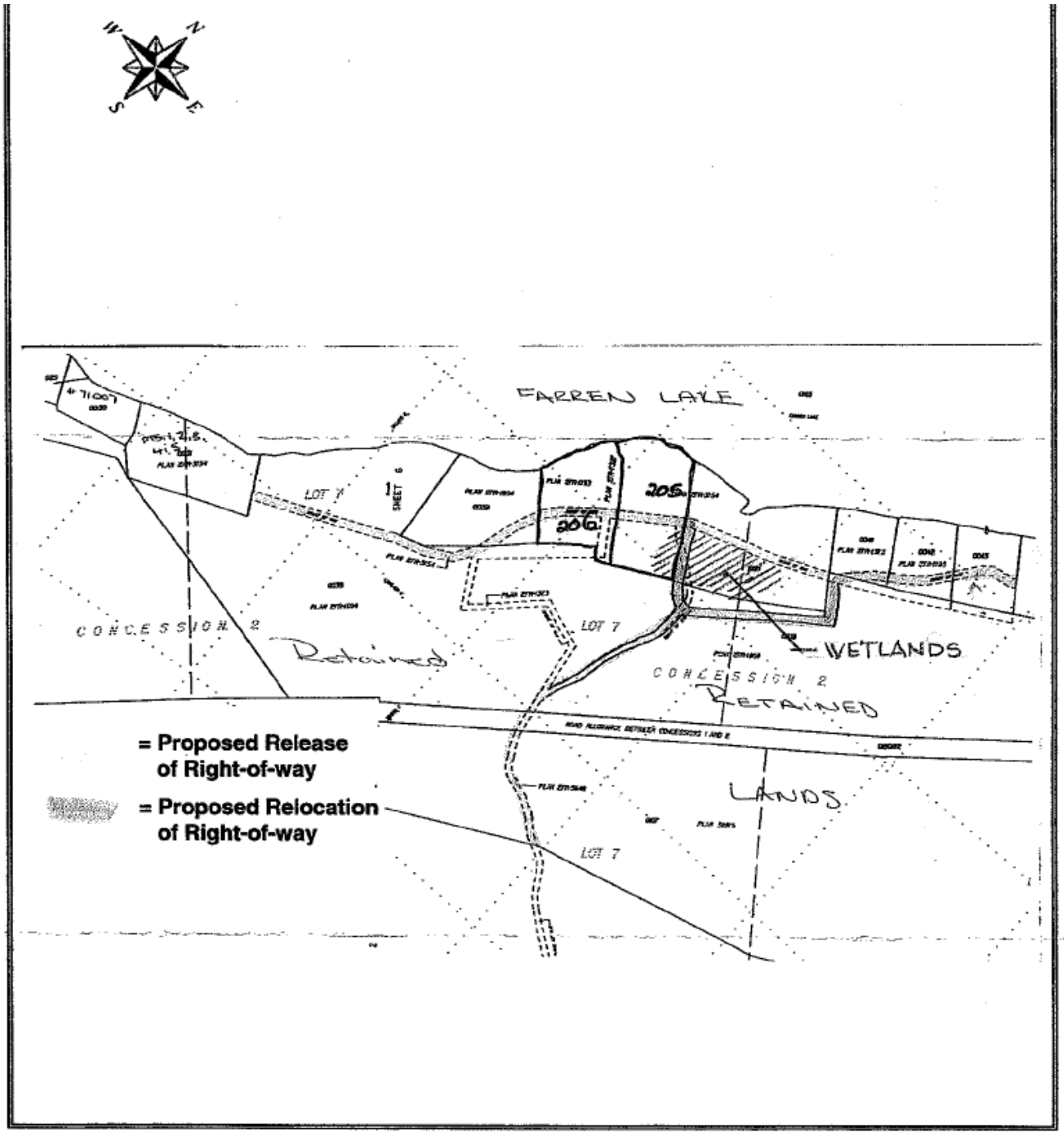
MAILED TO YOU ☐ HANDED TO YOU ☑ TAKEN ☐

NO. OF COPIES	DESCRIPTION	DWG. NO.
1 each	LOCATION OF	DRAWING #1 & 2
	WETLANDS	
1	PANORAMIC	
	VIEW OF	
	WETLANDS	
	(PHOTOGRAPHS)	

REMARKS The attached material has been produced to clarify the impact of part 13 and 16 on the wetlands should they be used for development.

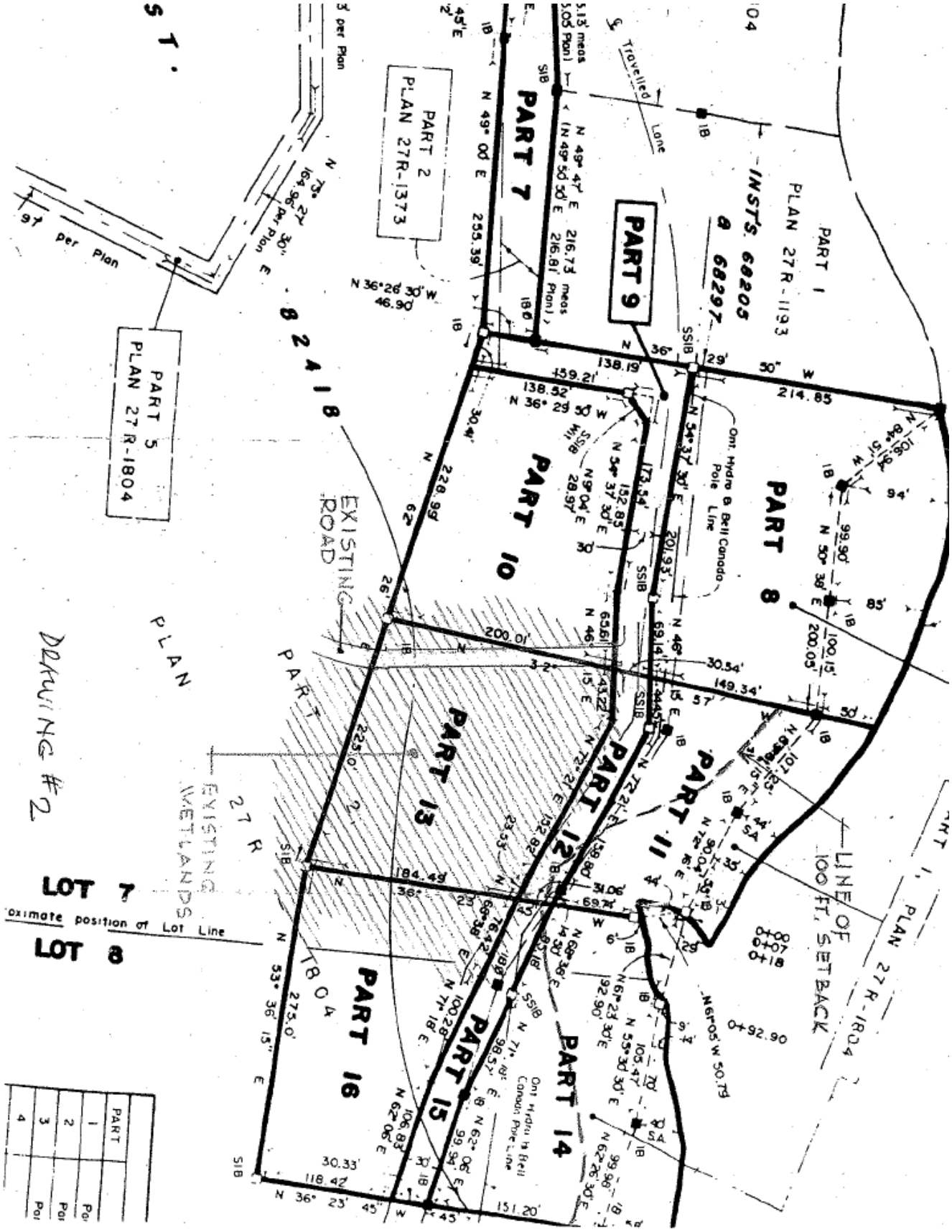
PER Hans Stutz

SANDS AT TARPON LAKE



Landowner:	Ian Lorne Peddie & Elizabeth Yvonne Peddie	**APPLICATION FOR CONSENT**
File No.:	B08/044	*Sketch Prepared by Lanark County Planning Approvals Dept.*
Subject Land:	Pt. Lots 7 & 8, Concessions 1 & 2, Township of South Sherbrooke, now in Tay Valley Township	

DRAWING #1


PART 1
PLAN 27R-1193
INSTS. 68205
& 68297
PART 2
PLAN 27R-1373
PART 5
PLAN 27R-1804
PART 7
PART 8
PART 9
PART 10
PART 11
PART 12
PART 13
PART 14
PART 15
PART 16
EXISTING ROAD
EXISTING WETLANDS
LINE OF 100 FT. SETBACK
Ont. Hydro & Bell Canada Pole Line
Travelled Lane
LOT 7
LOT 8
DRAWING #2
PLAN 27R-1804
PART 1
PART 2
PART 3
PART 4

Evelyn Gowland, Sandra Lambert, David Thompson, Mark Thompson, Andrew Thompson, Victor Volkmer, Reinhold Herr, Walter Stenger, Peter Stenger and Hans Stutz (May 2, 2008)

This letter is written on behalf of all of the property owners listed being those having frontage on Farren Lake and Access to the existing road.

We will consider studying the relocation of the existing access road providing the following points are respected:

1. Keep and maintain the existing access road until a properly engineered solution is found to relocate the road to an agreeable location which protects the wetlands and wildlife habitat that currently exists.
2. We are agreeable to working with the applicant to register a new R-Plan designating the new and travelled existing roads. The newly designated road should respect the current status for Right of Way and any relocation should be approved by all owners.
3. We are not in favour of any Back Lot development and want to ensure that no further severances or development are permitted.

(e) <u>MINUTES – November 24, 2008</u>

Craig Halpenny, agent, Ian and Elizabeth Peddie, applicants, David Thompson, representing
Evelyn Gowland and Mark Thompson, Andrew Thompson, Anna Lalonde, Victor Volkmer
Steve Ardley, attended the hearing and gave evidence by affirmation.

Mr. Halpenny outlined the purpose of the application, to relocate the R-O-W by moving the current R-O-W to the rear of the waterfront lots owned by Mr. Peddie and to clarify what is currently being used as a R-O-W and what is registered on title. Also, noting that an EIS was undertaken as there were concerns raised regarding the wetland.

Mr. A Thompson, advised that he is willing to work with Mr. Peddie to move the R-O-W to the rear of his lot and also advised that he was concerned with where the buildings are going to be built , taking into consideration the setback from the water, road and wetland.

Mr. D Thompson, noted that the properties to the west of the Peddie lots should also be considered. And that the R-O-W was constructed in 1993/94 but was not built on the registered R-O-W.

Ms. Lalonde noted that the whole Road needs to be discussed at the same time.

Mr. Volkmer concurred with Ms. Lalonde.

Mr. Ardley read out his e-mail of Nov 22/08
"I am responding on behalf of all cottages with a Right of Way over the Peddie lands, specifically those East of the proposed lots.
As outlined in our email of May 6th, 2008, our concerns are as follows:

1. Keep and maintain the existing access road until a properly engineered solution is found to relocate the road to an agreeable location which protects the wetlands and wildlife habitat that currently exists.

2. We are agreeable to working with the applicant to register a new R-Plan designating the new and traveled existing roads. The newly designated road should respect the current status for Right of Way and any relocation should be approved by all owners.

3. We are not in favour of any Back Lot development and want to ensure that no further severances or development are permitted.

The comments from the RVCA refers to a report by Mr.Peddies consultant. Both were just received and we have not yet had a chance to review them in detail
However some questions are raised:

i) Have any independent authority or consultant other Mr. Peddie and his consultant been onsite? Some references to habitat and wetlands in the report are very general in nature.
It is not clear what future use the wetlands will have; will they be filled in? will they be maintained as wetlands? will they become septic fields?
Although not mentioned in the report the wetlands are an integral part of this part of the shoreline, many small animals, turtles etc have been found crossing the road in both directions.
Moving the road helps this. Filling in the wetlands does not as it forces the habitat to move; whereto? Where will the water supplying the wetlands go?

ii) Why is a relaxation in the setback necessary ? Doesn't moving the road accommodate the current setback requirement?

iii) Assuming that the proposed relocated Right of Way meets the Township's requirements, who is responsible for correcting title and surveys to validate the new Right of Way? Will it be a requirement of approval to submit a new R-Plan for the completed road for the entire length?
The proposed naturalization of the old road Right of Way should only be accepted after the new road is properly deeded. Will the Township assume the responsibility to enforce that this is done?
We are currently living with a similar situation with Mr.Peddie on another section of the Right of Way which he has relocated but not registered.

We have not yet heard from Mr.Peddie but he seems to be moving in a positive direction, we look forward to meeting with him to resolve all of the issues.

Evelyn M. Gowland, Sandra H. Lambert, David Thompson, Mark Thompson, Andrew Thompson, Victor A. Volkmer, Reinhold Herr, Walter Stenger, Peter Stenger and Dorothy Ardley, Hans Stutz."

Mr. Halpenny noted that the applicants are willing to sit down to discuss the relocation of the balance of the R-O-W.

Moved by C Tyson, and seconded by D Murphy, **THAT** the hearing be deferred to December 15, 2008 to provide the Committee with an opportunity to consult with their solicitor. Carried.

(f) MINUTES – December 15, 2008

(NOTE: Chairman Strachan removed himself from the chair and the discussion. D Murphy assumed the chair)

The Chair asked if there was any new information to present.

Craig Halpenny, agent, Ian Peddie, applicant, David Thompson and Mark Thompson attended the hearing and were reminded that they were still under oath from the November 24, 2008 hearing.
Peter Stenger and Kent Peddie, attended and gave evidence by affirmation.

Mr. Halpenny advised that he and his client had met with Mr. Thompson to try to come to an agreement, however they were unsuccessful.

Mr. Stenger requested confirmation that the new R-O-W would be built before the old R-O-W was abandoned.

Mr. Halpenny advised that all current legal R-O-W agreements would have to be maintained, and that each would be required to sign-off prior to the closing of the existing R-O-W.

Mr. M Thompson also expressed concerns with how the transfer of the R-O-W would take place.

The Chair advised that the committee had sought legal advice regarding the broader planning issues and noted that the committee would be making their decision on the application as submitted. However, the parties are encouraged to work together to come to an agreement on the balance of the R-O-W, which would be a future application.

(g) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist over Part 12 and Part 15 Plan 27R3154.

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

4. The applicant shall provide the Township with two copies of the registered reference plans associated with this application.

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

6. That the applicant enter into a “Development Agreement” and / or “Site Plan Agreement” with Tay Valley Township, the terms of which are to be acceptable to the Township (including the local fire department) and Conservation Authority to implement appropriate mitigative measures for future development as outlined in the report prepared by Pinegrove Biotechnical and dated August 2008 and shall include a clause establishing the minimum width of the Right-of-Way..

7. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

8. A letter shall be received from the Township stating that conditions #3 to #6 have been fulfilled to their satisfaction.

9. A letter shall be received from the Rideau Valley Conservation Authority stating that condition #6 and #7 have been fulfilled to their satisfaction.

NOTES:

- *Rideau Valley Conservation Authority advises that the watercourse on the subject property is subject to the alternations to watercourses provisions of the Authority’s “Development, Interference with Wetlands and Alterations to Shorelines and*
  Watercourses” (Ontario Regulation 174/06) regulation which means that the written approval of the Conservation Authority is to be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse.

- *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.*
  That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Stan and Ann (Marie) Greer **Hearing Date:** December 15, 2008

Agent:

LDC File #: B08/138

Municipality: Montague

Geographic Township: Montague **Lot:** 19 **Concession:** 5

Roll No. 0901 000 020 40330 **Consent Type:** New Lot

Purpose and Effect:
The purpose and effect of the application is to sever a 4.45-ha residential building lot and retain a 53.0-ha landholding with an existing dwelling at 1417 Rosedale Road North. One new lot was created from the original landholding in 2006. The application has been submitted concurrently with B08/139.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Residential	Farm House / Outbuildings Farm House / Outbuildings
Area **Frontage** **Depth** **Road - Access to**	4.45-ha 183 m 294.64 m Rosedale Road N	53.0-ha 729 m 2000 m Rosedale Road N
Water Supply **Sewage Disposal**	Proposed proposed	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 0.4-ha Yes 46 m Yes n/a	Rural 0.4-ha Yes 46 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

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

2.3 Agriculture
Section 2.3.4.1 Lot creation in prime agricultural areas is discouraged.
Section 2.3.5.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.

Note: The applicant has advised that a farming operation is location within 500 m of the building site. A calculation using GIS indicates that this distance is approx 700 m between the farm outbuildings and the new lot boundary. No information has been provided on the farming operation.
Soils mapping indicates the lands are Class 6R – capable only of producing perennial forage crops, and improvement practices are not feasible. Subclass R – shallowness to bedrock. Solid bedrock is less than 3 feet from the surface.

Official Plan – Section 4.5 Consents, Section 5.2 Rural Policies, Section 12.3 Local Roads
The Township of Montague advises that the proposal conforms with the designations and policies of the Official Plan.
Section 4.5.16 of the Official Plan limits the number of lots created by consent per landholding to two (2) plus the remnant parcel. In accordance with Section 4.5.16 of the Township of Montague official Plan, the Council adopted resolution No. 162-2008 supporting an additional severance on the lands.

Zoning By-law - Section 3 General Provisions, Section 18 Rural
The Township of Montague advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

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

- That 5% cash-in-lieu of parkland be paid to the Township of Montague for each new lot created.
- The applicant shall be required to obtain an entrance permit from the Township of Montague.
- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That a copy of the reference plan be provided to the Township of Montague.
- That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable).

The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

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

The proposal involved the creation of two new parcels of 4.45 hectares and 8 hectares with 45 hectares remaining in the retained parcel. Rosedale Creek bisects the 4.45 hectare parcel while the creek runs along the western lot line of the 8 hectare parcel.

The 4.45 hectare parcel extends across Rosedale Creek. We understand that the application submitted in 2005 has lapsed. The area from the Township road to Rosedale Creek (100 metres) consists of agriculture land. There is an existing 10 – 15 metre riparian strip with an embankment along the creek. Maintaining the existing shoreline buffer will aid in the protection of water quality and nutrient loading. The proposed lot consists of mainly open space and mixed forest across the creek. The building envelope submitted with the application indicates that the dwelling will be located along Rosedale Road with a minimum 30 metres development setback from the creek. The retained lands also have adequate area to maintain a 30 metre setback from the Creek.

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

The Conservation Authority is prepared to accept the approval of both proposals by the Committee with the following conditions:

- *A 30 metre setback for any future development or disturbance to soil or vegetation cover from the high water mark of Rosedale Creek.*

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – 4.45 hectare parcel of vacant scrub land. Both rock and water table appears to be within 1 foot of the surface of the ground. Relatively flat lot.
Recommendations – there is adequate space n severed parcel to accommodate a new single dwelling and raised leaching bed.

Retained lands – 45 hectare agricultural parcel bordered by a creek. High water table and bedrock in the area with variable slope. Recommendation – there is adequate space on retained parcel to accommodate a new single family dwelling and raised leaching bed.

Hydro One Networks – No comments were received.

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

County of Lanark Public Works – both the severed and retained lands gain access from Rosedale Road North, which is not a County Road.

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential building lot comprising approximately 4.45-ha vacant residential building lot at Lot 19 Conc. 5 and retain a 53-ha landholding with an existing dwelling and outbuildings. The retained lands are the subject of a further consent to sever the residential dwelling and outbuildings and retain a 45-ha vacant landholding. (B08/139).

The proposed severed parcel fronts of Rosedale Road North and the retained lands front on both Roger Stevens Drive and Rosedale Road North. The County Public Works Departments has confirmed that access to the retained lands is from Rosedale Road North and lower tier road. The subject lands are located in an area characterized as mixture of large landholdings, smaller residential development along Roger Stevens and larger estate type lots between Roger Stevens Drive and Nolan's Corners (a designated settlement area).

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

(d) PUBLIC INPUT

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

(e) MINUTES – December 15, 2008

Stan Greer, applicant attended the hearing and gave evidence under oath. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

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

CONDITIONS:

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

2. That 5% cash in lieu of parkland be paid to the Township of each new lot created.

3. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.

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

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

6. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

7. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

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

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

NOTES:

- *The Rideau Valley Conservation Authority advises that the severed lands and portions of the retained lands are subject to Ontario Regulation 174/06: "Alteration to Waterways Regulation". Written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. Any future development on the retained lands be located a minimum 30 metres from the wetland boundary or watercourse.*

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.

- *The LGL Health Unit advises that it may be necessary to install a raised / partly raised septic system.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Stan and Ann (Marie) Greer **Hearing Date:** December 15, 2008

Agent:

LDC File #: B08/139

Municipality: Montague

Geographic Township: Montague **Lot:** 19 **Concession:** 5

Roll No. 0901 000 020 40330 **Consent Type:** New Lot

Purpose and Effect:
The purpose and effect of the application is to sever an 8.0-ha residential lot with an existing dwelling and outbuilding (at 1417 Rosedale Road N) and retain a 45.0-ha vacant landholding. One new lot was created from the original landholding in 2006. The application has been submitted concurrently with B08/138.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Residential	Farm House / Outbuildings Farm House / Outbuildings
Area **Frontage** **Depth** **Road - Access to**	8.0-ha 533 m 97.5 m (av) Rosedale Road N	45.0-ha 196 m 2000 m Rosedale Road N
Water Supply **Sewage Disposal**	Private Well Septic System	Proposed Proposed
Official Plan Designation **-Conformity?**	Rural Yes	
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural 0.4-ha Yes 46 m Yes n/a	Rural 0.4-ha Yes 46 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

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

2.3 Agriculture
Section 2.3.4.1 Lot creation in prime agricultural areas is discouraged.
Section 2.3.5.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.

Note: The applicant has advised that a farming operation is location within 500 m of the building site. A calculation using GIS indicates that this distance is approx 300 m between the farm outbuildings and the new lot boundary, however the building are already existing.
Soils mapping indicates the lands are Class 6R – capable only of producing perennial forage crops, and improvement practices are not feasible. Subclass R – shallowness to bedrock. Solid bedrock is less than 3 feet from the surface.

Official Plan – Section 4.5 Consents, Section 5.2 Rural Policies, Section 12.3 Local Roads
The Township of Montague advises that the proposal conforms with the designations and policies of the Official Plan.
Section 4.5.16 of the Official Plan limits the number of lots created by consent per landholding to two (2) plus the remnant parcel. In accordance with Section 4.5.16 of the Township of Montague official Plan, the Council adopted resolution No. 162-2008 supporting an additional severance on the lands.

Zoning By-law - Section 3 General Provisions, Section 18 Rural
The Township of Montague advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

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

- That 5% cash-in-lieu of parkland be paid to the Township of Montague for each new lot created.
- The applicant shall be required to obtain an entrance permit from the Township of Montague.
- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That a copy of the reference plan be provided to the Township of Montague.
- That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres

(33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

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

The proposal involved the creation of two new parcels of 4.45 hectares and 8 hectares with 45 hectares remaining in the retained parcel. Rosedale Creek bisects the 4.45 hectare parcel while the creek runs along the western lot line of the 8 hectare parcel.

There is an existing dwelling on the property located approximately 120 metres from the creek. There is a small watercourse to the north of the existing dwelling that flows into Rosedale Creek. There is no anticipated impact to the Rosedale Creek or natural heritage features as a result of this application.

The area from the Township road to Rosedale Creek (100 metres) consists of agriculture land. There is an existing 10 – 15 metre riparian strip with an embankment along the creek. Maintaining the existing shoreline buffer will aid in the protection of water quality and nutrient loading. The proposed lot consists of mainly open space and mixed forest across the creek. The building envelope submitted with the application indicates that the dwelling will be located along Rosedale Road with a minimum 30 metres development setback from the creek. The retained lands also have adequate area to maintain a 30 metre setback from the Creek.

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

The Conservation Authority is prepared to accept the approval of both proposals by the Committee with the following conditions:

- *A 30 metre setback for any future development or disturbance to soil or vegetation cover from the high water mark of Rosedale Creek.*

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – 8 hectare parcel contains a farmhouse, dug well and is bordered by a

creek. Water table and bedrock is high in the area. There seems to be less than 2 feet of unsaturated sandy soil in the area of the farmhouse. Recommendations – the existing septic system shows no malfunction from the surface of the ground. There is adequate space to replace the existing system. The dug well may have to be decommissioned to obtain proper clearance from any new septic system.
Retained lands – 45 hectare agricultural parcel bordered by a creek. High water table and bedrock in the area with variable slope. Recommendation – satisfactory.

Hydro One Networks – No comments were received.

Note: The lands are subject to an easement for a 'Utility Corridor".

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

County of Lanark Public Works – both the severed and retained lands gain access from Rosedale Road North, which is not a County Road.

(c) PLANNING REVIEW

The applicant proposes to sever a residential lot comprising approximately 8.0-ha with an existing dwelling and outbuildings (1417 Rosedale Road North) lot at Lot 19 Conc. 5 and retain a 45-ha vacant landholding. The application has been submitted concurrently with B08/138.

The proposed severed parcel fronts of Rosedale Road North and the retained lands front on both Roger Stevens Drive and Rosedale Road North. The County Public Works Departments has confirmed that access to the retained lands is from Rosedale Road North and lower tier road. The subject lands are located in an area characterized as mixture of large landholdings, smaller residential development along Roger Stevens and larger estate type lots between Roger Stevens Drive and Nolan's Corners (a designated settlement area).

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

(d) PUBLIC INPUT

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

(e) MINUTES – December 15, 2008

Stan Greer, applicant attended the hearing and gave evidence under oath. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. The deed of land required by condition #1 above shall recognize any rights-of-way that currently exist over Pt Lot 19 Conc. 5 RP27R-6818.

3. That 5% cash in lieu of parkland be paid to the Township of each new lot created.

4. That an approved entrance to the subject lot be installed by the owner. The applicant shall consult directly with the Township of Montague in this respect.

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

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

7. That sufficient land along the frontage of the property shall be conveyed to the Township of Montague, by registered deed, to provide a road allowance which is either 10 metres (33 feet) from the centreline of the road allowance or 10 metres (33 feet) from the centreline of the travelled portion of the road (whichever is applicable). The Ontario Land Surveyor, in preparing the reference plan describing the subject lot shall consult directly with the Township of Montague prior to the survey plan being completed.

8. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

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

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

NOTES:

- *The Rideau Valley Conservation Authority advises that the severed lands and portions of the retained lands are subject to Ontario Regulation 174/06: "Alteration to Waterways Regulation". Written approval from the Conservation Authority must be obtained prior to straightening, changing, diverting, or interfering in any way with the existing channel of a watercourse. Any future development on the retained lands be located a minimum 30 metres from the wetland boundary or watercourse. 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.*

- *The Leeds Grenville and Lanark District Health Unit advises the dug well may have to be decommissioned to obtain proper clearance from any new septic system.*

- *The Township of Montague Official Plan Section 4.5.16 limits the number of lots created by consent per landholding to two (2) plus the remnant parcel. Section 4.5.16 also provides for one additional consent under certain circumstances. The consent obtained by application B08/139 met the criteria for the third consent. The Land Division Committee will not entertain any further consents on the retained lands.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Sheila A Holloway **Hearing Date:** December 15, 2008

Agent: n/a

LDC File #: B08/142

Municipality: Lanark Highlands

Geographic Township: Lanark **Lot:** 21 **Concession:** 2

Roll No. **0940 934 010 15300** **Consent Type:** New Lot

Purpose and Effect:
The purpose and effect of the application is to sever a 2.61-ha lot with an existing residential dwelling (at 704 South Lavant Road) and retain a 29.5-ha vacant landholding. Both the retained and severed lots are accessed by South Lavant Road (County Road #8).

DETAILS OF PROPOSAL	**Land to be Severed**	**Land to be Retained**
Existing Use **Proposed Use**	Residential Residential	Vacant Residential
Area **Frontage** **Depth** **Road - Access to**	2.61-ha 174 m 150 m South Lavant Road	29.5-ha 360 m 622 m South Lavant Road
Water Supply **Sewage Disposal**	Private Well Septic System	Proposed Proposed
Official Plan Designation **-Conformity?**	Rural / Aggregate Reserve / Organic Soils Yes	
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural / Mar-h / Organic Soils 1.0-ha Yes 60 m Yes n/a	Rural / Mar-h / Organic Soils 1.0-ha Yes 60 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

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

2.5 Mineral Aggregate Resources
Section 2.5.1 Mineral aggregate resources shall be protected for long-term use.
Section 2.5.2.5 In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if: Resource use would not be feasible; or the proposed land use or development serves a greater long-term public interest; and issues of public health, public safety and environmental impact are addressed.

3.1 Natural Hazards
Section 3.1.1 Development shall generally be directed to areas outside of: c) hazardous sites.

Official Plan – Section 3.6 Rural, Section 7.2 Mineral Resources, Section 8.2 Organic Soils and Steep and Unstable Slopes, Section 10.11 Planning Act (Consents)
The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan. (see Township Planning report)

Zoning By-law – Section 4 General Provisions, Section 6.0 Rural Zone, Section 17.0 Mineral Aggregate
The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations.(see Township Planning report)

(b) AGENCY REVIEW

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

PLANNING REPORT SUBMITTED BY THE TOWNSHIP OF LANARK HIGHLANDS
SEVERANCE APPLICATIONS HOLLOWAY
PART LOT 21 CONCESSION 2
FORMER TOWNSHIP OF LANARK HIGHLANDS
SOUTH LAVANT ROAD, COUNTY ROAD 16

1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot. The holding is located on South Lavant Road, County Road 16 and is legally described as Part Lot 21, Concession 2, former Township of Lanark, now in the Township of Lanark Highlands. The proposal is to create an additional building lot from an existing holding.

The applicant wishes to create a lot with approximately 174 metres (570 feet) of frontage and an area of 2.4 ha (6 acres). The remnant parcel will enjoy approximately 360 metres

(109 feet) of road frontage and an area of 29 ha (73acres). Constructed on the severed lot is a residential unit. The retained parcel is vacant with a residential use proposed.

The property is designated Rural, Mineral Reserve and Organic Soils on Schedule 'A 4' of the Township of Lanark Highlands Official Plan. The lands are zoned Rural, Organic and Mineral Aggregate Reserve on Schedule 'A 4' of Zoning By-law 2003-451. Surrounding lands are rural. A creek transects the holding running southwesterly.

1.1 PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and reviewed under the "consistent with" test.
The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

The proposed lot when developed will be serviced privately and confirmation is required that there exists sufficient treatment capacity for any hauled sewage (Section 1.6.4.1). The Lanark Leeds and Grenville Health Unit will require a permit for private services. Capacity exists for the hauled sewage outside of the Municipality.

Section 2.4.21 of the PPS states " Mineral resources shall be protected for long term use" and section 2.4.2.2 outlines that areas adjacent to or in known mineral deposits and in areas of mineral potential must show that the proposed development will not hinder or preclude the extraction of the resource. The applicant will need to provide additional information in order to confirm long term resource protection or conversely that no such resource exists or that it would not be viable to extract.

1.2 OFFICIAL PLAN

The Holloway lands are designated Rural, Rural, Mineral Reserve and Organic Soils on Schedule 'A 4' of the Township of Lanark Highlands Official Plan. Rural development concepts outlined within the Official Plan discuss a settlement pattern of very low density consisting of residences distributed along the road networks. The intent of the Official Plan is to protect the rural setting and natural resources for their economic value.

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

Section 7.3.2.3 of the Official Plan directs council to consult with the Ministry of Northern Development and Mines to determine if the proposed application will not preclude any future development of the mining resource, whether or not the resource use is feasible, the proposed use serves a greater long term public interest and that matters of public health and safety and environmental impacts are addressed.

Section 8.2 of the Official Plan outlines policies associated with lands that have been identified as having organic soils as is the case with this development proposal. Organic soils are considered a constraint to development as they may not contain sufficient strength to support structures. If development is proposed on organic soils the proposal must be supported by a geo-technical study. Building Code requirements must also be considered prior to the issuance of any building permit.

Following confirmation of whether or not there exists any resource potential by a certified professional any other matters of concern such as separation distances can be addressed through site plan control.

1.3 ZONING

The lands are zoned Rural, Organic and Mineral Aggregate Reserve on Schedule ‘A 4’ of Zoning By-law 2003-451. The proposed severed and retained lots will meet the requirements of the rural zone. The new structure will be subject to yard setback requirements at such time as a building permit is submitted. There are no specific zoning provisions for either the Mineral Aggregates Reserve zone or the Organic Soils zone. As previously stated the applicant will need to demonstrate that there is no viable resource or that no conflicting land use will result by means of this application. Given the areas of both the severed and retained lots there should not be any setback issues when submitted as the lands are of sufficient area to accommodate development.

1.4 DISCUSSION

The application as submitted is generally consistent with the PPS but will require the submission of a report by an individual certified to assess the potential for mineral resources and confirm that the creation of a new lot will not adversely impact the potential extraction of the mineral resource or that the resource is not viable for extraction.

The Official Plan indicates that these lands may have aggregate potential the applicant will need to confirm by means of a report prepared by a certified professional that the resources are not there or that the future extraction of the resource won’t be effected by an additional residence constructed on the lands. The separation distance from any extraction operation is 500 metres. The holding is of sufficient area to meet that distance when establishing a residential use. The applicant can illustrate through site plan control where the proposed building site is and that it can meet the separation distance and as such it is recommended to include the submission of site plan as a condition of severance.

The applicant will be required to review with the County Roads department that the application will meet their requirements for an entrance permit.

The proposal is for a building lot on lands predominantly designated rural and subject to the submission of further documentation that the underlying constraints to development can be addressed, the application can move forward.

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

1. That the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.
2. The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Town.
3. That the applicant provide the Town with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.
4. An acceptable reference plan or legal description of the severed lands and the deed or instrument (in triplicate) conveying the severed lands shall be submitted to the Planning Approvals Administrator at the County for review and consent endorsement within a period of one year after the Notice of Decisions is given under Section 53 (17) or (24) of the Planning Act and that a copy of same be submitted to the township.
5. That the applicant submit a site plan and undertake a site plan control agreement with the Township to illustrate that the new proposed residence can be constructed outside of the limits of the separation distance from the MAR-h designation.
6. That the applicant provides assurance to the municipality that the proposed building site is outside of the area of organic soils and that compliance with existing Building Code can be demonstrated.
7. That the applicant provides to the Township a consultant report that demonstrates that the aggregate resource is either not viable or that the proposed use on the property will not adversely impact the establishment of an operation to extract the resource if present.

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

According to the information provided, the applicant proposes to sever 2.61 ha with an existing residence and retain a vacant 29.5-ha parcel of land.

A review of available GIS mapping shows a tributary of the Little Clyde River traveling through the retained lands. However, MVC did not observe a watercourse with defined banks during a site visit conducted in November of 2008. In addition, we did not observe a connection to the Little Clyde River. Therefore, it is our assessment that the

watercourse depicted on the GIS mapping is more likely a drainage swale rather than a watercourse or tributary of the river. We note that low/wetland areas were observed on a portion of the proposed retained lands. No natural heritage features or natural hazards were identified on the proposed severed lot.

Provided that future development on the proposed retained land occurs outside of low/wetland areas, MVC does not have any objection to the subject application.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – existing residential home served by a Class 4 septic system and private well. Sufficient land area to replace existing system. Sandy loam soil 5 feet deep. Recommendation – satisfactory.
Retained Lands – gently rolling treed land with no soil drainage problem. Sandy loam 5 feet deep. Recommendation – satisfactory.

Hydro One Networks – No comments were received.

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

Lanark County Public Works - The applicant has an approved existing entrance to the severed lands (#2197). An entrance location has been approved for the retained lands (#2198). Entrance permit No. 2198 is conditional on a favourable decision to Consent No. B08/142.

(c) PLANNING REVIEW

The applicant proposes to sever a residential lot comprising approximately 2.61-ha with an existing residential dwelling (704 South Lavant Road) at Pt Lot 21 Conc. 2 Lanark and retain a 29.5-ha landholding. It is the intention of the applicant to construct a new residential dwelling on the retained lands.

The proposed severed and retained parcels front on South Lavant Road a County maintained municipal road. The County Public Works Departments has confirmed that access to the retained lands is from the South Lavant Road and that a final entrance permit will be required prior to the lands being accessed.

The subject lands are located in an area characterized as mixture of large landholdings both east and west of the proposal. A large portion of the lot along the westerly side of the retained lands and a portion of the severed lands have been designated as "Organic Soils". Organic Soils are described as those soils normally formed in a water saturated environment where the soil is not exposed to the air for a sufficient time to permit the breakdown of vegetative material. As a result, these soils may not contain sufficient strength to support a building or structure. The lands are affected by the Riven's Lake and Little Clyde River wetland area which has not been designated as Provincially Significant. The applicant should be made aware of possible development constraints.

As well a portion of the retained lands has been designated as Mineral Aggregate Reserve (Holding). To avoid incompatible land uses and 'influence area' of 150 m (above water table) or 300 m (below water table) has been established for any development adjacent to the Pit and Aggregate Reserve. The proponent will be required to either building outside the influence area or provide supportive information to demonstrate:

(a) that the opportunity to extract within a licensed area or a designated Mineral Resources Area will not be restricted by the proposed development;

(b) that the design of the proposed development demonstrates that impacts such as noise, dust and vibration can be mitigated to an appropriate level when measured against provincial standards;

(c) where extractive activities are taking place or proposed below the water table, the quality and quantity of ground water on the site development will not be compromised.

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

(d) <u>PUBLIC INPUT</u>

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

(e) <u>MINUTES – December 15, 2008</u>

Brian Doyle, spouse of the applicant attended the hearing and gave evidence under oath. Mr. Doyle questioned the MAR-h designation.

(f) <u>DECISION & CONDITIONS</u>

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 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.

3. That 5% cash in lieu of parkland be paid to the Township of each new lot created.

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

5. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed (including the purchaser's abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor's information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.

6. That the applicant submit a site plan and undertake a site plan control agreement with the Township to illustrate that the new proposed residence can be constructed outside of the limits of the separation distance from the MAR-h designation.

7. That the applicant provides assurance to the municipality that the proposed building site is outside of the area of organic soils and that compliance with existing Building Code can be demonstrated.

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. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

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

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

12. A letter shall be received from the County Public Works stating that condition #8 has been fulfilled to their satisfaction.

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Armand Fournier **Hearing Date:** December 15, 2008

Agent: n/a

LDC File #: B08/149

Municipality: Drummond / North Elmsley

Geographic Township: Drummond **Lot:** 21/22 **Concession:** 2

Roll No. 0919 919 015 05701 **Consent Type:** New Lot

Purpose and Effect:
The purpose and effect of the application is to sever a 0.45-ha residential building lot and retained a 2.576-ha building lot with an existing cabin. Two previous severances were created from the original landholding in 1999. The lots are accessed by Drummond Con. 2A.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Residential	Recreation (Cabin) Residential
Area **Frontage** **Depth** **Road - Access to**	0.45-ha 97.88 m 127.19 m Drummond Con. 2A	2.576-ha 267.2 m 65.6 m Drummond Con. 2A
Water Supply **Sewage Disposal**	Proposed Proposed	Proposed Proposed
Official Plan Designation **-Conformity?**	Rural Yes	
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	General Commercial 0.4-ha Yes 45 m Yes n/a	General Commercial 0.4-ha Yes 45 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.6 Infrastructure and Public Service Facilities
Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to development new infrastructure and public service facilities.
Section 1.6.4 Planning for sewage and water services shall: b) ensure that these systems are provided in a manner that: 1/ can be sustained by the water resources upon which such services reply; 2/ is financially viable and complies with all regulatory requirements; and 3/ protects human health and the natural environment.
Note: A total of 11 residential lots are within proximity of the lot to be created; however only a few have residential dwellings. Therefore, water well records are limited.

Official Plan – Section 3.7 Division of Land, Section 4.3 Rural, Section 5.3 Local Roads, Section 5.4 Proposed Road Widening.
The Township of Drummond / North Elmsley advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – Section 4 General Provisions, Section12 General Commercial.
The Township of Drummond / North Elmsley advises that the proposal does not comply with the zoning by-law regulations. The lands to be severed will require rezoning to allow for residential use.

(b) AGENCY REVIEW

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

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

- That the balance of any outstanding taxes shall be paid to the Township.
- 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.
- Severed portion to be rezoned to Rural to allow for residential use.
- Sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

Conservation Authority – Rideau Valley Conservation Authority
The application requests approval to sever a 0.45 hectare parcel with 2.576 hectares remaining in the retained parcel. Ontario Base Mapping published by the Ontario Ministry of Natural Resources indicates that there are no wetlands or watercourses on the proposed severed or retained lands. The lands are not within 120 metres of the Provincially Significant Black Creek Wetland, therefore the RVCA's wetland regulations are not applicable.

We have no objection to the application provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. 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 and Lanark District Health Unit
Severed Lands – relatively flat mixture of treed and scrub land with no soil drainage problem. Sandy loam soil approximately 6 inches deep. Recommendations – additional granular fill required in proposed tile bed area.
Retained lands – relatively flat mixture of treed and grassed land sloping from west to east. No soil drainage problems. Existing cabin on property. Sandy loam soil approximately 6 inches deep. Recommendation – granular fill required in proposed tile bed area.

Hydro One Networks – No comments were received.

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

County Public Works Department – advises that both the severed and retained lands to gain access via a municipal road (Drummond Con. 2A).

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential lot comprising approximately 0.45-ha (Drummond Con. 2A) at Pt Lot 21/22 Conc. 2 Drummond and retain a 2.576-ha landholding with an existing small cabin. The lands are currently zoned as "General Commercial" (GC) which does not permit a residential use. Rezoning of the severed lands will be required.

The proposed severed and retained parcels front on Drummond Con. 2A a Township maintained municipal road. The severed lands also abut Drummond Con. 2 (County Road 10). The County Public Works Departments has confirmed that access to the lands will be via the lower tier road.

The subject lands are located in an area characterized as mixture of large landholdings, with a cluster of development at the intersection of Con. 2 and Con. 2A. However few of the created have been built on. The Provincially Significant Black Creek Wetlands is located approximately 490 m to the south/east and 330 m to the north of the lot, therefore is not within the 120 influence area of the wetland.

Soils mapping indicates the lands are Class 6R – capable only of producing perennial forage crops, and improvement practices are not feasible. Subclass R – shallowness to bedrock. Solid bedrock is less than 3 feet from the surface.

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

(d) PUBLIC INPUT

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

(e) MINUTES – December 15, 2008

Armand Fournier, applicant attended the hearing and gave evidence under oath. Mr. Fournier questioned if he would be able to continue to use the entrance from the County Road (Drummond Con. 2). Mr. Fournier was advised to discuss this directly with the Public Works Department. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

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

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

4. That sufficient land for Road Widening purposes shall be conveyed to the Township of Drummond / North Elmsley by registered deed, to meet the road requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

5. That the lot to be severed shall be zoned to an appropriate zoning category for the intended use.

6. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

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

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

Notes:

- *The Leeds Grenville and Lanark District Health Unit advises that additional granular fill required in proposed tile bed area for both the severed and retained lands.*

- *The Township of Drummond / North Elmsley Official Plan Section 3.7.2.5 provides that up to three lots may be granted for an original parcel of land as it existed on January 1, 1979. The Land Division Committee will not entertain any further consents on the retained lands.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Doris Quinn **Hearing Date:** December 15, 2008

Agent: n/a

LDC File #: B08/150

Municipality: Lanark Highlands

Geographic Township: Lanark **Lot:** 4 **Concession:** 9

Roll No. 0940 934 035 01900 **Consent Type:** New lot

Purpose and Effect:
The purpose and effect of the application is to sever a 1.0-ha residential building lot and retain a 35.07-ha vacant landholding. The lots are accessed by Upper Perth Road.

DETAILS OF PROPOSAL	**Land to be Severed**	**Land to be Retained**
Existing Use **Proposed Use**	Vacant Residential	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	1.0-ha 60 m 160 m (irregular) Upper Perth Road	35.07-ha 78.4 m 600 + m Upper Perth Road / Pine Grove Road
Water Supply **Sewage Disposal**	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 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.6 Infrastructure and Public Service Facilities
Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to development new infrastructure and public service facilities.
Section 1.6.4 Planning for sewage and water services shall: b) ensure that these systems are provided in a manner that: 1/ can be sustained by the water resources upon which such services reply; 2/ is financially viable and complies with all regulatory requirements; and 3/ protects human health and the natural environment.

Official Plan – Section 3.6 Rural, Section 4.5 Transportation, Section 10.11.13 Subdivision / Consents.
The Township of Lanark Highlands advises that the proposal conforms to the designations and policies of the Official Plan (see report)

Zoning By-law - Section 4 General Policies, Section 6 Rural
The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations. (see report).

(b) AGENCY REVIEW

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

PLANNING REPORT SUBMITTED BY THE TOWNSHIP OF LANARK HIGHLANDS
SEVERANCE APPLICATIONS QUINN
PART LOT4, CONCESSION 9
FORMER TOWNSHIP OF LANARK HIGHLANDS
UPPER PERTH ROAD

1.0 REVIEW OF PROPOSAL AND APPLICATION

An application has been received from the County of Lanark Land Division Committee for the creation of a new lot. The holding is located on Upper Perth Road and is legally described as Part Lot 4, Concession 9, former Township of Lanark, now in the Township of Lanark Highlands. The proposal is to create an additional building lot from an existing holding.

The proposal is to create a lot with approximately 60 metres (196 feet) of frontage and an area of 1.0 ha (2.4 acres). The remnant parcel will enjoy approximately 78.4 metres (257 feet) of road frontage and an area of 35 ha (86 acres). Currently both the proposed and the severed lots are vacant. The applicant will be selling the properties and anticipates residential development to occur.

The property is designated Rural on Schedule ‘A2’ of the Township of Lanark Highlands Official Plan. The lands are zoned Rural on Schedule ‘ A2’ of Zoning By-law 2003-451. Surrounding lands are rural. A creek transects the holding running northerly and generally parallel to Upper Perth Road.

1.2 PROVINCIAL POLICY

As part of the province’s long term commitment to economic prosperity and social well being all planning applications must be consistent with the Provincial Policy Statement

2005 (PPS). As such a review of applicable policies must be undertaken and reviewed under the “consistent with” test.

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

The proposed lot when developed will be serviced privately and confirmation is required that there exists sufficient treatment capacity for any hauled sewage (Section 1.6.4.1). The Lanark Leeds and Grenville Health Unit will require a permit for private services. Capacity exists for the hauled sewage.

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

1.3 OFFICIAL PLAN

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

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

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

1.4 ZONING

The site is currently zoned Rural (RU) on Schedule ‘A2’ of the zoning by-law. The proposed severed and retained lots will meet the requirements of the zoning by-law. As the lands are currently vacant any future development will be evaluated for setback requirements when a building permit is submitted to the Township. Given the areas of both the severed and retained lots there should not be any setback issues when submitted.

1.5 DISCUSSION

The application has been circulated to the Public Works Department of the Township and the Director indicates that a road widening will be required. No other comments have been received as of the date of the drafting of this report.

The proposal meets all regulatory requirements and is an expected land use and as such represents good planning.

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

- That the applicant submit to the Township the 5% cash-in-lieu of parkland requirement.

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

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

According to the information provided, the applicant proposes to sever one 1.0-ha vacant residential building lot and to retain a 35.07-ha vacant parcel of land.

According to a review of available GIS mapping and as confirmed during a site visit conducted by MVC Staff in November of 2008, an unnamed tributary of Campbell's Creek runs through the retained parcel and within 30 metres of the proposed severed parcel.

MVC does not have any objection to the proposed severance provided that future development complies with the zoning by-law with respect to setback from water and retention of a natural vegetated buffer along the shoreline of the watercourse.

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

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

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

On-Site Services (Septics) –Leeds Grenville and Lanark District Health Unit
Severed Lands – relatively flat scrub land sloping from south to north. No soil drainage problems. Sandy loam soil 5 ft. deep. Recommendations – satisfactory.
Retained Lands – relatively flat scrub land sloping from north to south. No soil drainage problem. Sandy loan soil 5 ft. deep. Recommendation – Satisfactory.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential lot comprising approximately 1.0-ha (Upper Perth Road) at Pt Lot 4 Conc. 9 Lanark and retain a 35.07-ha vacant landholding.

The proposed severed and retained parcels front on Upper Perth Road a Township maintained municipal road. The retained lands also abut Pine Grove Road (County Road 12) No proposal to develop the retained lands has been indicated. Once this has been determined the landowner will be required to obtain an entrance from either the lower tier from Upper Perth Road or the upper tier from Pine Grove Road.

The subject lands are located in an area characterized as mixture of large landholdings, with a few smaller residential lots along Upper Perth Road. No Provincially Significant Wetlands or Natural Heritage features have been identified.

Soils mapping indicates the lands are Class 7PR – soils in this class have no capability for arable culture or permanent pasture. Subclass P – stoniness – Stones interfere with tillage, planting and harvesting and subclass R – shallowness to bedrock. Solid bedrock is less than 3 feet from the surface.

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

(d) PUBLIC INPUT

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

(e) MINUTES – December 15, 2008

Doris Quinn, applicant, attended the hearing and gave evidence under oath. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

2. That the applicant submit to the Township of Lanark Highlands the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act. (Cash-In-Lieu of Parklands)

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

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

5. That sufficient land for Road Widening purposes shall be conveyed to the Township of Lanark Highlands by registered deed, to meet the road requirements of the Township. The applicant shall consult directly with the Township Roads Superintendent in this regard.

6. That the applicant provide the Township with a “Building Location Survey” or “Surveyor’s Certificate” demonstrating that the lands severed (including the purchaser’s abutting property) and the lands retained are in compliance with all zoning provisions. The surveyor’s information shall include confirmation of adequate frontage for both the severed and retained parcels along the maintained road. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.

7. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

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

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

NOTES:

- *The Mississippi Valley Conservation advises that in the event that shoreline work is proposed (Campbell's Creek tributary), written permission may be required from MVC pursuant to Ontario Regulation 153/06 - "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".*

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

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Wayne Kirkham **Hearing Date:** December 15, 2008

Agent: n/a

LDC File #: B08/156

Municipality: Tay Valley

Geographic Township: Bathurst **Lot:** 3 **Concession:** 8

Roll No. 0919 916 020 18300 **Consent Type:** New Lot

Purpose and Effect:
The purpose and effect of the application is to sever a 2.4-ha residential building lot and retain a 32.4-ha vacant landholding. The lots are accessed by Doran Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Residential	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	2.4-ha 142.1 m 188 m Doran Road	32.4-ha 170 m 915 m Doran Road
Water Supply **Sewage Disposal**	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 1.0-ha Yes 60 m Yes n/a	Rural 1.0-ha Yes 60 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.6 Infrastructure and Public Service Facilities
Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to development new infrastructure and public service facilities.
Section 1.6.4 Planning for sewage and water services shall: b) ensure that these systems are provided in a manner that: 1/ can be sustained by the water resources upon which such services reply; 2/ is financially viable and complies with all regulatory requirements; and 3/ protects human health and the natural environment.

2.1 Natural Heritage
Section 2.1.4 Development and site alteration shall not be permitted in: d) significant wildlife habitat; and e) significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Official Plan - Section 2.21 Natural Heritage Features, Section 3.6 Rural and 5.2 Land Division
Tay Valley Township advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, Section10 Rural
Tay Valley Township advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

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

- Payment of all taxes owing;
- Payment of all costs incurred by the Township for the review process;
- Copy of the deed / transfer
- Two copies of the reference plan;
- Parkland contribution of $100.;
- The owner convey, at no charge, to Tay Valley Township, sufficient frontage cross the severed lands to provide for a right-of-way measuring 10m from the centreline of Doran Road. The owner shall provide a reference plan which indicates the required widening. If the owner's surveyor determines that a widening is not requirement, it must be indicated on the reference plan. A draft reference plan shall be sent to the Township for review prior to deposit.

Notes:

- *The location of the proposed dwelling will need to conform to the 30 m water setback, in relation to the beaver pond found on the property, as set out in section 3.26 of the Zoning By-law.*
- *Development will be subject to Site Plan Control.*

Conservation Authority – Rideau Valley Conservation Authority (December 10, 2008)
The subject application has been reviewed by the Rideau Valley Conservation Authority. We have the following comments for the Committee's assistance.

The proposal involved the creation of a new parcel of 2.4 hectares with 32 hectares remaining in the retained parcel. The subject property is located along the drainage divide of the Rideau and Mississippi Watersheds. Ontario Base Mapping published by the Ministry of Natural Resources indicates that there is an unevaluated wetland / waterbody located in the middle of the proposed lot. There are several wetlands, small water bodies and watercourses on the retained lands. The wetlands on the subject lands are not ranked as provincially significant and are not regulated by the RVCA.

Our site inspection revealed that the wetland / waterbody in quest is a low lying area and located as indicated on the mapping provided. Generally, the RVCA recommends that a minimum 30 metre buffer for development on all wetlands / waterbodies. The proposed lot size provides adequate area to develop 30 metres from the waterbody as delineated on the site plan provided by the applicant.

We recommend that a 30 metre wide protective buffer (no development) be established around the waterbody / wetland. There is no anticipated impact to natural heritage features if this buffer is established. We have no objection to the application provided that the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law.

Please note that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.

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 2.4 hectares. There is sufficient space on both the severed and retained portions for a new septic system and also sufficient space for septic system replacement on both lots if required.

A beaver pond bisects the proposed severed portion. This site feature will impact the available locations for septic installation. Setback distances from the beaver pond will be outlined by the MVC. Due to the presence of rock close to surface on the site a significant amount of fill may need to be imported to create the septic system.

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

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

If you have any questions, please do not hesitate to call.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential lot comprising approximately 2.4-ha (Doran Road) at Pt Lot 3 Conc. 8 Bathurst and retain a 32.4-ha vacant landholding.

The proposed severed and retained parcels front on Doran Road a Township maintained municipal road. No proposal to develop the retained lands has been indicated.

The subject lands are located in an area characterized as mixture of large vacant landholdings, with a limited number of estate type residential lots along Doran Road. No Provincially Significant Wetlands or Natural Heritage features have been identified. However, Ontario Base Mapping (OBM) indicates a considerable amount of unclassified wetlands on the retained lands, as well as a portion of the severed lands. The building site will be required to be setback a minimum of 30 m from this wetland.

Soils mapping indicates the lands are Class 7PR – soils in this class have no capability for arable culture or permanent pasture. Subclass P – stoniness – Stones interfere with tillage, planting and harvesting and subclass R – shallowness to bedrock. Solid bedrock is less than 3 feet from the surface.

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

(d) PUBLIC INPUT

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

Donna Keays-Hockey (Nov 20, 2008) expressed concerns with the location of the lands and wanted to ensure that there was no conflict. *(Note: Ms. Keays-Hockey was forwarded an assessment map indicating the location of her property in relation to the Kirkham property. No further comments were received. Notice of the hearing was sent to Ms. Keays-Hockey).*

(e) MINUTES – December 15, 2008

Wayne Kirkham, applicant and David Poole, purchaser, attended the hearing and gave evidence under oath. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

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

3. The applicant shall provide the Township with two copies of all reference plans associated with this application is a survey is required by the Registry Office.

4. The applicant shall provide the Township with a copy of the deed/transfer for the property.

5. Payment of $100.00 shall be made to the Tay Valley Township representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act (Cash-in-Lieu of Parklands).

6. The applicants shall satisfy all the requirements of the Tay Valley Township, financial and otherwise, that may be required under established by-laws for consent applications.

7. The owner shall convey, at no charge, to Tay Valley Township, sufficient frontage across the severed lands to provide for a right-of-way measuring 10m from the centreline of Doran Road. The owner shall provide a reference plan which indicates the required widening. If the owner's surveyor determines that a widening is not requirement, it must be indicated on the reference plan. A draft reference plan shall be sent to the Township for review prior to deposit.

8. The landowner shall enter into a development agreement with the Tay Valley Township pursuant to Sections 51(25), 51(26) and 53(12) of the Planning Act, which may be registered on title of the lot to be severed, and binding upon the owner and all subsequent owners.. The wording of the agreement shall be acceptable to Tay Valley Township and the Rideau Valley Conservation Authority and shall address their concerns outlined in the Township's and Conservation Authority's agency review.

9. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

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

11. A letter shall be received from the Rideau Valley Conservation Authority stating that conditions #8 and #9 have been fulfilled to their satisfaction.

Notes:

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

- *Tay Valley Township advises that the location of the proposed dwelling will need to conform to the 30 m water setback, in relation to the beaver pond found on the property, as set out in section 3.26 of the Zoning By-law.*

- *Tay Valley Township advises that development will be subject to "Site Plan Control".*

- *The Rideau Valley Conservation Authority advises that any watercourse on the subject property is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). Written approval of the Conservation Authority must be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: James E & Margaret A Ramsey **Hearing Date:** December 15, 2008

Agent: n/a

LDC File #: B08/159

Municipality: Lanark Highlands

Geographic Township: Dalhousie **Lot:** 13 **Concession:** 9

Roll No. 0940 003 030 15700 **Consent Type:** Lot Addition

Purpose and Effect:
The purpose and effect of the application is to sever a 39m^2 parcel of land as a lot addition to lands owned by George and Joan Dettrich at Pt E Lot 12 Conc. 9 Dalhousie (521 Stewart Lane) and retain a 32.0-ha residential landholding.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Vacant	Residential Residential
Area **Frontage** **Depth** **Road - Access to**	39m^2 1.22 m 32 m Stewart Lane	32.0-ha 134 m (9th Conc.B) 700 m 9th Conc. B Dalhousie
Water Supply **Sewage Disposal**	None none	Private well Septic System
Official Plan Designation **-Conformity?**	Lake Development District and Rural Yes	
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural n/a – lot addition	Rural 1.0-ha Yes 60 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

2.1 Natural Heritage
Section 2.1.4 Development and site alteration shall not be permitted in: d) significant wildlife habitat; and e) significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Official Plan – Section 3.6 Rural Area. Section 3.7 Rural Area – Shoreline Structures, Section 10.11.13 Subdivision, Consents.
The Township of Lanark Highlands advises that the proposal conforms with the designations and policies of the Official Plan. (see Township Planning report)

Zoning By-law – Section 4.0 General Provisions, Section 6.0 Rural
The Township of Lanark Highlands advises that the proposal complies with the zoning by-law regulations. (see Township Planning report).

(b) AGENCY REVIEW

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

PLANNING REPORT SUBMITTED BY THE TOWNSHIP OF LANARK HIGHLANDS
SEVERANCE APPLICATION RAMSEY
PART LOT 12 CONCESSION 9
FORMER TOWNSHIP OF DALHOUSIE
TOWNSHIP OF LANARK HIGHLANDS

1.0 Review of Proposal and Application

An application has been received from the County of Lanark Land Division Committee for a lot addition to facilitate access and traffic movements on an existing property. The holding is located on Dalhousie Lake and is legally described as Part Lot 12, Concession 9, former Township of Dalhousie now in the Township of Lanark Highlands commonly referred to as the Dettrich lands.

The applicant wishes to add lands from a parcel of land owned by the Mr. and Mrs. Ramsey and is legally described as Part Lot 13, Concession 9, Geographic Township of Dalhousie, Township of Lanark Highlands to his lands. The proposed lot addition if for approximately 420 square feet to be added to the existing holding of the Detrich's.

The properties are designated Lakefront Development on Schedule 'A2' of the Township of Lanark Highlands Official Plan, Part Lots 12 and 13, Concession 9, Geographic Township of Dalhousie, Township of Lanark Highlands are zoned Limited Service Rural and Rural on Schedule 'A2' of Zoning By-law 2003-451.

There is no new construction proposed as part of this application. Presently constructed on the site are a residential dwelling owned by the Dettrichs and two accessory sheds. The dwelling is privately serviced with a septic system and field. It has recently come to the attention of the owners of the two abutting properties that the sheds are encroaching on the lands referred to as the Ramsey lands. This proposal will allow for a small portion of lands that the sheds occupy to be added to the Dettrich's holding.

Provincial Policy

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

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

There is no new development proposed for the either the severed or the retained lands as part of this proposal. The proposal as submitted is consistent with Provincial Policy.

Official Plan

The Ramsey lands are designated Lakefront Development on Schedule 'A2' of the Township of Lanark Highlands Official Plan. This designation protects and preserves the natural environment surrounding any waterfront lands and provides for appropriate development and recreation surrounding the waterbodies. Any application for consent must be evaluate with the policy directives of Section 10.11.13, which provides direction when considering the division of lands within the Township. Proposals must be consistent with zoning, and enjoy sufficient frontage and depth to accommodate setbacks, snow removal as well as storage and parking within the proposed lot configuration. Abutting land uses must be evaluated for conflicts and natural heritage features.

Residential dwellings and associated accessory structures are permitted within the Lakefront Development designation. There is no new development proposed or facilitated by means of this application and therefore the proposal will comply with Official Plan policies.

1.1 ZONING

The lands are zoned Rural and Limited Services Rural on Schedule 'A2' of Zoning By-law 2003-451. The Dittrich's property does not meet the requirements or provisions of the Limited Services Residential zone although the property does enjoy legal non-conformity. The holding is undersized and current built structures cannot meet the setback requirements of the zone. The property owners will be required to undertake a minor variance to recognize the legal non-conformity prior to final approval of the severance application.

Discussion

The application as submitted is consistent with the PPS and Official Plan policies.

The proposal is to recognize the current usage and ownership of the accessory structures constructed on site. There is no new development proposed and as such the application can be supported.

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

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

Conservation Authority – Mississippi Valley Conservation
According to the information provided, the purpose of the subject application is to sever a vacant 39 sq. metre parcel of land as a lot addition to the adjacent property owner at 521 Stewart Lane. The applicant proposes to retain 32.0 ha, which is already developed.

The subject property is located on Dalhousie Lake. However, the proposed severed lands do not front the lake. Therefore, water frontage is not reduced on any of the resulting lots as a consequence of this application. And, while the proposal does involve a reduction in the area of the proposed retained land, the reduction is quite minor and the retained lands continue to meet with the minimum lot area requirements. With all of this in consideration, MVC does not have any objection to the proposed severance.

A portion of the proposed severed lands and the lot to be enlarged are located within the 1:100 year flood plain and the Regulation Limit of Dalhousie Lake. The property owner should be advised that written permission is required from MVC prior to the initiation of any development or filling activity (which includes excavations, stockpiling and site grading) within these regulated areas, or for any alterations to the shoreline of the lake.

In addition, any proposed works in or near the lake 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) – Leeds Grenville and Lanark District Health Unit
Our office has received application for consent for James and Margaret Ramsey. Upon review with our Chief Building Official, we wish to advise you that our office does not need to inspect this property and hence there will be no fee associated with the application nor comments made.

Hydro One Networks – No comments were received.

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

(c) PLANNING REVIEW

The applicant proposes to sever lands as a lot addition to George and Joan Dettrich at Pt E Lot 12 Conc. 9 Dalhousie (521 Stewart Lane) comprising approximately 39 square metres and retain a 32.0-ha residential landholding.

The purpose of the lot addition is to legalize the land ownership where outbuildings are located. Minimum setbacks from lot lines will require confirmation by an Ontario land Surveyor.

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

(d) PUBLIC INPUT

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:

George and Joan Dettrich (Nov 13/08) – we wish to attend the public meeting. We request the decision of the Land Division Committee.

(e) MINUTES – December 15, 2008

James Ramsey, applicant, attended the hearing and gave evidence under oath. Mr. Ramsey questioned if this application would affect the total number of consents that he would be allowed under the Township's Official Plan. Mr. Ramsey was advised that only "New Lots" affected the total number permitted. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

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

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

4. That the applicant provide the Township with a Building Location Survey or Surveyor's Certificate demonstrating that the lands severed are incompliance with all zoning provisions. Should compliance not be demonstrated the applicant will take any and all steps to bring the property into compliance.

5. The Mississippi Valley Conservation shall be reimbursed for all costs incurred by the CA for reviewing this application.

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 #5 has been fulfilled to their satisfaction.

8. The lands to be severed are for the purpose of a lot addition only to the adjacent lands owned by George and Joan Dettrich at Pt E Lot 12 Conc. 9 Dalhousie (521 Stewart Lane) 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:

- *Mississippi Valley Conservation advises that written permission is required from MVC prior to the initiation of any development or filling activity (which includes excavations, stockpiling and site grading) within these regulated areas, or for any alterations to the shoreline of the lake.*

- *In addition, any proposed works in or near the lake should be reviewed by MVC to ensure there will be no harmful alteration, disruption or destruction of fish habitat. Authorization under Section 35 of the Fisheries Act may be required for such work.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Adam O'Connor **Hearing Date:** December 15, 2008

Agent: n/a

LDC File #: B08/160

Municipality: Beckwith

Geographic Township: Beckwith **Lot:** 23 **Concession:** 4

Roll No. 0924 000 015 06900 **Consent Type:** New Lot

Purpose and Effect:
The purpose and effect of the application is to sever a 0.66-ha residential building lot and retain a 2.48-ha vacant building lot. The lots are accessed by Richmond Road (County Road 10) and abut the Hamlet of Prospect. The application is being submitted concurrently with B08/161.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Residential	Vacant Residential
Area **Frontage** **Depth** **Road - Access to**	0.66-ha 46 m 143 m Richmond Road	2.48-ha 248 m 143 m Richmond Road
Water Supply **Sewage Disposal**	Proposed Proposed	Proposed Proposed
Official Plan Designation **-Conformity?**	Rural 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

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.1.3 Settlement Areas shall be the focus of growth and their vitality and regeneration shall be promoted.

1.1.3.7 New Development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
Note: The Beckwith Township Official Plan designates the lands adjacent to the proposed lots to be created as Hamlet which would fall under the Provincial Policies Part V Building Strong Communities. With the identification of the lands as "Hamlet", it is understood that the municipality has determined that the infrastructure and public service facilities which are planned or available are suitable for the development over the long terms and protect public health and safety (Section 1.1.3.9 PPS)

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

Section 1.6.4 Planning for sewage and water services shall: b) ensure that these systems are provided in a manner that: 1/ can be sustained by the water resources upon which such services reply; 2/ is financially viable and complies with all regulatory requirements; and 3/ protects human health and the natural environment.

Official Plan – Section 4 General Development Policies, Section 6 Land Use Policies – Rural Areas, Section 7, Roads, Section 9.6 Subdivision of Land.
The Township of Beckwith advises that the proposal conforms with the designations and policies of the Official Plan.

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

(b) AGENCY REVIEW

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

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

- That a copy of the registered reference plan be provided to the Township of Beckwith.
- That all structure are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
- That the location of entrances will be determined in conjunction with the requirements and conditions of the County of Lanark Director of Public Works.

Conservation Authority – Rideau Valley Conservation Authority
The Planning and development Review Team has completed a review of the above noted applications which seek approval for the creation of two new residential building lots, each with an area of 0.66 hectares. The retained parcel (residential building lot) is 1.8 hectares. We have undertaken our review within the context of Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement (PPS) under Section 3 of the Planning Act.

We have not identified any issues under the above noted sections of the PPS that would preclude the approval of these applications.

We note that the proposed lots are within a large contiguous wooded area. By copy of this letter we are advising the owner that in order to minimize the impact of development on this feature, the removal of trees and other vegetation on this site should be limited to only that which is necessary for the building and sewage system envelopes and a typical amenity area for the back and front yards. This if for the applicant's information and we do not require any conditions of approval in this regard.

In conclusion, the Planning and Development Review Team has no objection to these applications. Please forward notice of the Committee's decision on these applications to the office of the Rideau Valley Conservation Authority.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – 0.66 hectare parcel if relatively flat and wooded with no obvious drainage problems. Rock is led than 2 feet from the surface in the area.
Recommendation – there is adequate space on proposed parcel to accommodate a single family dwelling and raised septic bed.
Retained Lands – 2.46 hectare parcel is wooded and relatively flat with no obvious drainage issues. Rock is less than 2 feet from the surface in the area. Recommendation – satisfactory.

Hydro One Networks – No comments were received.

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

County Public Works Department –
Applicant has an approved entrance location to the County Road (Severed #2138, Retained #2137).
Entrance to be installed prior to deed endorsement for both the severed and retained lands.
Both severed (Permit #2138) and retained (Permit#2137) to gain access via County Road 10 (Richmond Road). Applicant to make application to Public Works Department to amend entrance File #2137 to a single residential.
Road Widening not required.

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential building lot comprising approximately 0.66-ha (Richmond Road – County Road 10) at Pt Lot 23 Conc. 4 Beckwith and retain a 2.48-ha vacant landholding. The vacant landholding is to be

further subdivided through application B08/161, which has been submitted concurrently.

The proposed severed and retained parcels front on Richmond Road a County maintained municipal road.

The subject lands are located in an area characterized as mixture of residential lots along the County Road, intermixed with large vacant and developed landholdings. The lands are adjacent to the hamlet of Prospect, a designated growth area. The Township of Beckwith is currently updating their Official Plan; through this process the municipality may determine that this area should be included within the designated "Settlement Area". In any case the proposal satisfies the PPS which encourages growth to occur in existing built-up areas.

Lands to the south of the proposed lots are designated "Industrial Park" (MP). The use of these lands is "Refreshment Vehicle Stand" (take-out stand). Additional setback requirements do not apply.

Soils mapping indicates the lands are Class 2T/4P – soils in this class have a topographic limitation (either steepness or the pattern of slopes limits agricultural use) and stoniness limitation (stone interfere with tillage, planting and harvesting).

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

(d) PUBLIC INPUT

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

(e) MINUTES – December 15, 2008

Adam O'Connor, applicant, attended the hearing and gave evidence under oath. Mr. O'Connor advised that the original parcel had been created by consent prior t 1972 and that the Township of Beckwith will be considering these lands as part of the Prospect Settlement Area in their new official Plan. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

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

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

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

5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

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

7. A letter shall be received from the County Public Works Department stating that condition #4 has been fulfilled to their satisfaction.

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

Notes:

- *The Rideau Valley Conservation Authority advises that in order to minimize the impact of development on the large contiguous wooded area, the removal of trees and other vegetation on this site should be limited to only that which is necessary for the building and sewage system envelopes and a typical amenity area for the back and front yards.*

- *The Leeds Grenville and Lanark District Health Unit advises that a raised septic bed may be required for both the severed and retained lands.*

- *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.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Adam O'Connor **Hearing Date:** December 15, 2008

Agent: n/a

LDC File #: B08/161

Municipality: Beckwith

Geographic Township: Beckwith **Lot:** 23 **Concession:** 4

Roll No. 0924 000 015 06900 **Consent Type:** New Lot

Purpose and Effect:
The purpose and effect of the application is to sever a 0.66-ha residential building lot and retain a 1.80-ha vacant building lot. The lots are accessed by Richmond Road (County Road 10) and abut the Hamlet of Prospect. The application is being submitted concurrently with B08/160.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Residential	Vacant Residential
Area **Frontage** **Depth** **Road - Access to**	0.66-ha 46 m 143 m Richmond Road	1.8-ha 202 m 143 m Richmond Road
Water Supply **Sewage Disposal**	Proposed Proposed	Proposed Proposed
Official Plan Designation **-Conformity?**	Rural 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

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.1.3 Settlement Areas shall be the focus of growth and their vitality and regeneration shall be promoted.

1.1.3.7 New Development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
Note: The Beckwith Township Official Plan designates the lands adjacent to the proposed lots to be created as Hamlet which would fall under the Provincial Policies Part V Building Strong Communities. With the identification of the lands as "Hamlet", it is understood that the municipality has determined that the infrastructure and public service facilities which are planned or available are suitable for the development over the long terms and protect public health and safety (Section 1.1.3.9 PPS)

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

Section 1.6.4 Planning for sewage and water services shall: b) ensure that these systems are provided in a manner that: 1/ can be sustained by the water resources upon which such services reply; 2/ is financially viable and complies with all regulatory requirements; and 3/ protects human health and the natural environment.

Official Plan – Section 4 General Development Policies, Section 6 Land Use Policies – Rural Areas, Section 7, Roads, Section 9.6 Subdivision of Land.
The Township of Beckwith advises that the proposal conforms with the designations and policies of the Official Plan.

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

(b) AGENCY REVIEW

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

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

- That a copy of the registered reference plan be provided to the Township of Beckwith.
- That all structure are located under the guidance of the Chief Building Official in accordance with the Ontario Building Code and all municipal by-laws.
- That the location of entrances will be determined in conjunction with the requirements and conditions of the County of Lanark Director of Public Works

Conservation Authority – Rideau Valley Conservation Authority
The Planning and development Review Team has completed a review of the above noted applications which seek approval for the creation of two new residential building lots, each with an area of 0.66 hectares. The retained parcel (residential building lot) is 1.8 hectares. We have undertaken our review within the context of Section 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the Provincial Policy Statement (PPS) under Section 3 of the Planning Act.

We have not identified any issues under the above noted sections of the PPS that would preclude the approval of these applications.

We note that the proposed lots are within a large contiguous wooded area. By copy of this letter we are advising the owner that in order to minimize the impact of development on this feature, the removal of trees and other vegetation on this site should be limited to only that which is necessary for the building and sewage system envelopes and a typical amenity area for the back and front yards. This if for the applicant's information and we do not require any conditions of approval in this regard.

In conclusion, the Planning and Development Review Team has no objection to these applications. Please forward notice of the Committee's decision on these applications to the office of the Rideau Valley Conservation Authority.

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – 0.66 hectare parcel if relatively flat and wooded with no obvious drainage problems. Rock is led than 2 feet from the surface in the area.
Recommendation – there is adequate space on proposed parcel to accommodate a single family dwelling and raised septic bed.
Retained Lands – 1.8 hectare parcel is wooded and relatively flat with no obvious drainage issues. Rock is less than 2 feet from the surface in the area. Recommendation – there is adequate space on proposed parcel to accommodate a single family dwelling and raised septic system.

Hydro One Networks – No comments were received.

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

County Public Works Department –
Applicant has an approved entrance location to the County Road (Severed #2138, Retained #2137).
Entrance to be installed prior to deed endorsement for both the severed and retained lands.
Both severed (Permit #2138) and retained (Permit#2137) to gain access via County Road 10 (Richmond Road). Applicant to make application to Public Works Department to amend entrance File #2137 to a single residential.
Road Widening not required.

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential building lot comprising approximately 0.66-ha (Richmond Road – County Road 10) at Pt Lot 23 Conc. 4 Beckwith and retain a 1.8-ha vacant landholding. This application has been submitted concurrently with B08/160.

The proposed severed and retained parcels front on Richmond Road a County maintained municipal road.

The subject lands are located in an area characterized as mixture of residential lots along the County Road, intermixed with large vacant and developed landholdings. The lands are adjacent to the hamlet of Prospect, a designated growth area. The Township of Beckwith is currently updating their Official Plan; through this process the municipality may determine that this area should be included within the designated "Settlement Area". In any case the proposal satisfies the PPS which encourages growth to occur in existing built-up areas.

Lands to the south of the proposed lots are designated "Industrial Park" (MP). The use of these lands is "Refreshment Vehicle Stand" (take-out stand). Additional setback requirements do not apply.

Soils mapping indicates the lands are Class 2T/4P – soils in this class have a topographic limitation (either steepness or the pattern of slopes limits agricultural use) and stoniness limitation (stone interfere with tillage, planting and harvesting).

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

(d) PUBLIC INPUT

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

(e) MINUTES – December 15, 2008

Adam O'Connor, applicant, attended the hearing and gave evidence under oath. Mr. O'Connor advised that the original parcel had been created by consent prior t 1972 and that the Township of Beckwith will be considering these lands as part of the Prospect Settlement Area in their new official Plan. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

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

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

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

5. The Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

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

7. A letter shall be received from the County Public Works Department stating that condition #4 has been fulfilled to their satisfaction.

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

Notes:

- *The Rideau Valley Conservation Authority advises that in order to minimize the impact of development on the large contiguous wooded area, the removal of trees and other vegetation on this site should be limited to only that which is necessary for the building and sewage system envelopes and a typical amenity area for the back and front yards.*

- *The Leeds Grenville and Lanark District Health Unit advises that a raised septic bed may be required for both the severed and retained lands.*

- *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 Township of Beckwith Official Plan Section 4.5 Division of Land states "generally, the consent process will be used for the purpose of creating one or two new lots". The Land Division Committee will not entertain any further consents on the retained lands.*

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Judy Helen Taylor **Hearing Date:** December 15, 2008

Agent: Rob Dopson

LDC File #: B08/162

Municipality: Montague

Geographic Township: Montague **Lot:** 5 **Concession:** A

Roll No. 0901 000 010 11200 **Consent Type:** New Lot

Purpose and Effect:
The purpose and effect of the application is to sever a 0.84-ha residential building lot and retain a 0.90-ha residential lot with an existing dwelling. The lots are accessed by Heritage Drive #745 (County Road 2) and abut the Rideau River (Rideau Canal).

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Residential	Residential Residential
Area **Frontage** **Depth** **Road - Access to**	0.84-ha 83.8 m 99.9 m Heritage Road	.90-ha 104.8 m 99.9 n Heritage Drive #745
Water Supply **Sewage Disposal**	Proposed Proposed	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 / Environ. Protection 0.4-ha Yes 46 m Yes n/a	Rural / Environ. Protection 0.4-ha Yes 46 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.6 Infrastructure and Public Service Facilities
Section 1.6.2 The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to development new infrastructure and public service facilities.
Section 1.6.4 Planning for sewage and water services shall: b) ensure that these systems are provided in a manner that: 1/ can be sustained by the water resources upon which such services reply; 2/ is financially viable and complies with all regulatory requirements; and 3/ protects human health and the natural environment.

2.1 Natural Heritage
Section 2.1.4 Development and site alteration shall not be permitted in: d) significant wildlife habitat; and e) significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Rideau Canal Management Plan -
Development along the Rideau Canal Historic Site is guided by the Rideau Canal Management Plan. The purpose of the management plan is to ensure the commemorative integrity of the national historic site, guide appropriate public use, ensure the application of cultural resource management principles and practices is decision-making and conserve the natural values of the Canal.

Section 6.0 Waterfront Land Use and Development sets outs the guiding principles for development along the waterway. Parks Canada will work with municipalities and stakeholders to encourage shore-land property owners to follow the environmental design guidelines in publications such as “On the Living Edge”, and other publications dealing with environmentally sensitive development.

The Rideau Waterway Development Review Team, comprised of members from Parks Canada – Rideau Canal, Rideau Valley Conservation Authority and Cataraqui Region Conservation Authority have reviewed the application and provided comments.

Official Plan – Section 4 General Development Policies, Section 5 Rural Lands, Section 10 Flood Lands, Section 12 Road Proposals.
The Township of Montague advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions, Section 17 Environmental Protection Zone, and Section 18 Rural Zone.
The Township of Montague advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township of Montague – recommends approval of this application subject to the following
Conditions:

- That 5% cash-in-lieu of parkland be paid to the Township of Montague for each new lot created.
- That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.
- That a copy of the reference plan to be provided to the Township of Montague.

Conservation Authority – Rideau Waterway Development Review Team (Nov. 21/08). The subject application has been reviewed by the Rideau Waterfront Development Team (RWRDT), and a site inspection was completed. We have the following comments for the Committee's assistance.

The application will create a new separate lot of 2.07 acres (275 ft of frontage) with 2.22 acres remaining in the retained portion (existing residential) with 344 ft of frontage along the Rideau River. The property consists mainly of ornamental law and slopes moderately towards the Rideau River. There is a buffer of mature vegetation along the majority of the shoreline on the severed lot. There is a 15 metre band of cattails on the retained and proposed severed lots. There are no marine (docking) facilities on the property.

This property is subject to Ontario Regulation 174/06 *Development Interference with Wetlands, Alterations to Shorelines and Watercourses Regulation* (made pursuant to the Conservation Authorities Act) as administered by the Conservation Authority in consideration of the Authority's Development Policies. None of the existing buildings on the retained portion are located within the regulated area. However, a portion of the property is located within the regulatory 100 year floodplain of the Rideau River. Any proposed development in the regulated area requires a permit from the Rideau Valley Conservation Authority. In accordance with our regulations, all residential developments and structures must be situated outside the Floodplain Zone and above the 1:100 designated floodplain elevation on the Rideau River of 95.9 metres geodetic. The regulated area extends approximately 100 ft from the shoreline:

The RWDRT has no objection contingent on the following being conditions of approval.

- No development within 30 metres of the water (to conform with Regulation 174/06). The 30 metre setback is to be measured from the upland vegetation (rock wall); we not the band of cattails is under the jurisdiction of Parks Canada.
- There should be limited access to the water and no removal or disturbance of the existing shoreline vegetation as it slows down the movement of storm water through the soil, provides soil retention, and provides habitat opportunities for aquatic species, wildlife and birds.
- The Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law.

The Rideau Canal National Historic Site of Canada, a Canadian Heritage River and now a UNESCO World Heritage Site, is operated by the Rideau Canal office of Parks

Canada to preserve the cultural, natural and scenic values of this important asset. As the near shore area is environmentally sensitive, please note that docking facilities may not be permitted on the severed property unless demonstrated by a qualified professional that there is no negative impact to the aquatic environment. Any proposal for shoreline work requires the written authorization of the Superintendent, Rideau Canal.

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

On-Site Services (Septics) – Leeds Grenville and Lanark District Health Unit
Severed Lands – 2.07 acre parcel is an open field that slopes towards the river. Rock seen within approximately 1 foot of the surface of the ground. Recommendation – there is adequate space on parcel to accommodate a single family dwelling and a raised septic system.
Retained Lands – 2.22 acre parcel contains an existing house, pool and septic system. Land slopes towards the river. Recommendation – existing septic system shows no signs of stress at the surface of the ground. There is adequate space to replace the existing septic system. System may have to be raised due to rock.

Hydro One Networks – No comments were received.

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

County Public Works Department -
Retained Lands - Applicant has an approved existing entrance to the County Road (#1382).
Severed Lands - Applicant has an approved entrance location to the County Road (#2195).
Entrance to the severed lands to be installed prior to deed endorsement.
A full entrance application must be made for the severed lands. The retained lands gain access via County Road 2 (Heritage Drive), Permit 1382 refers.
Road Widening if not required.

(c) PLANNING REVIEW

The applicant proposes to sever a vacant residential lot comprising approximately 0.84-ha (Heritage Drive) at Pt Lot 5 Conc. A Montague and retain a 0.90-ha residential lot with an existing dwelling at #745 Heritage Drive.

The proposed severed and retained parcels front on Heritage Drive a County maintained municipal road.

The subject lands are located in an area characterized as mixture of large residential landholdings to the north west of Heritage Drive and smaller water orientated residential lots to the south east of Heritage Drive. The lands are located between the Village of Merrickville and the Hamlet of Andrewsville. No Provincially Significant Wetlands features have been identified, however, the lands are adjacent to the UNESCO Heritage Site (Rideau Canal) which that the building envelope be setback a minimum of 30 m from the river. As well a portion of the retained lands are subject to Environmental Protection regulations.

Soils mapping indicates the lands are Class 6R – soils in this class are capable only of producing perennial forage crops, and improvement practices are not feasible and Subclass R – shallowness to solid bedrock. Solid bedrock is less than 3 feet from the surface.

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

(d) PUBLIC INPUT

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

(e) MINUTES – December 15, 2008

Judy Taylor, applicant, attended the hearing and gave evidence under oath. No further information was provided.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

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

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

4. Payment shall be made to the Township of Montage representing the amount satisfactory to the Township of up to 5% of the value of the land pursuant to Section 51.1 of the Planning Act (Cash-in-Lieu of Parklands).

5. That the applicant enter into a Site Plan Agreement / Development Agreement with the Township of Montague pursuant to Sections 41 (2), 51(25), 51(26) and 53(12) of 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 the Township and Rideau Waterway Development Review Team and shall address their concerns outlined in the agency response dated November 21, 2008.

6. The Rideau Waterway Development Review Team shall be reimbursed for all costs incurred by the RWRDT for reviewing this application.

7. 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.

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

9. A letter shall be received from the Rideau Waterway Development Review Team stating that condition #5 and #6 have been fulfilled to their satisfaction.

10. A letter shall be received from the County Public Works Department stating that condition #7 has been fulfilled to their satisfaction.

Notes:

- *The Rideau Canal National Historic Site of Canada, a Canadian Heritage River and now a UNESCO World Heritage Site, is operated by the Rideau Canal office of Parks Canada to preserve the cultural, natural and scenic values of this important asset. As the near shore area is environmentally sensitive, please note that docking facilities may not be permitted on the severed property unless demonstrated by a qualified professional that there is no negative impact to the aquatic environment. Any proposal for shoreline work requires the written authorization of the Superintendent, Rideau Canal.*

- *The Leeds Grenville and Lanark District Health Unit advises that a raised septic system may be required for the severed lands and to replace the existing system (when required) due to rock formation.*

- *That if during the process of development archeological remains be uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture.*
  That in the event that human remains are encountered during construction, the developer should immediately contact both the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations.

LAND DIVISION STAFF REPORT
APPLICATION FOR CONSENT

Owner: Ron Stinson **Hearing Date:** December 15, 2008

Agent: Terry Crawford

LDC File #: B08/163

Municipality: Montague

Geographic Township: Montague **Lot:** 3 **Concession:** 1

Roll No. 0901 000 010 20100 **Consent Type:** Lot Addition

Purpose and Effect:
The purpose and effect of the application is to sever a 0.4-ha lot as an addition to lands owned by Terry Crawford and Jennifer Hunter at Pt Lot 3 Conc. 1 Montague (Reference Plan 27R-7237 Part 2 PIN 05253-0014) and retain a 57.6-ha vacant landholding. The lot to be enlarged and retained lot are accessed by Richardson Road.

DETAILS OF PROPOSAL	Land to be Severed	Land to be Retained
Existing Use **Proposed Use**	Vacant Residential	Vacant Vacant
Area **Frontage** **Depth** **Road - Access to**	0.4-ha 61 m width 70 m none	.57.6-ha 203 m 900 m + Richardson Road
Water Supply **Sewage Disposal**	n/a n/a	None None
Official Plan Designation **-Conformity?**	Rural and Floodplain Yes	
Zoning Category **-Area Required (min.)** **-Compliance?** **-Frontage Required (min.)** **-Compliance?** **-Depth Required (min.)** **-Compliance?**	Rural 0.4-ha Yes 46 m Yes n/a	Rural 0.4-ha Yes 46 m Yes n/a

(a) APPLICATION REVIEW

Provincial Policy Statement - Provincial Interests were identified as follows:
1.1 Managing and Directing Land Use
Section 1.1.4.1 In rural areas development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

2.1 Natural Heritage
Section 2.1.4 Development and site alteration shall not be permitted in: d) significant wildlife habitat; and e) significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
Section 2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Official Plan – Section 4 General Development Policies, Section 5 Rural Lands, Section 10 Flood Lands, Section 12 Road Proposals. Section 10 Floodplains.
The Township of Montague advises that the proposal conforms with the designations and policies of the Official Plan.

Zoning By-law – Section 3 General Provisions and Section 18 Rural Zone.
The Township of Montague advises that the proposal complies with the zoning by-law regulations.

(b) AGENCY REVIEW

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

Township of Montague – recommends approval of this application subject to the following
Conditions:
- That a copy of the reference plan to be provided to the Township of Montague.

Conservation Authority – Rideau Valley Conservation Authority (Nov. 21/08).
The application involves a lot addition of 0.4 hectares to an existing lot at 344 Richardson Road. There is 57 hectares remaining in the retained portion. From our mapping it appears that there are no natural heritage features on the subject property. We understand that the lot addition portion is currently being used for agricultural purposes.

Rideau Creek flows through the retained lands and eventually into the Rideau River. Please note that Rideau Creek is subject to the Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" (Ontario Regulation 174/06). This regulation requires that the written approval of the Conservation Authority be obtained prior to straightening, changing, diverting or interfering in any way with the existing channel of a watercourse. A small portion of the Creek on the subject lands has regulatory mapping (as per sketch). The RVCA recommends a minimum o 30 metre development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of land.

We have no objection to the application provided the Township is satisfied in regard to the requirements of the Township's Official Plan and Zoning By-law. We anticipate no impacts to natural heritage features or hazards as a result of the application. 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 and Lanark District Health Unit
Severed Lands – 0.4 hectare severed parcel is currently cornfield. Land is relatively flat with no evidence of drainage issues. Recommendations – viewed as lot addition only. No comment being made about suitability for a septic system on this parcel.

Retained Lands – 57.6 hectare retained parcel is agricultural and wooded land with variable slope and drainage. Recommendation – there is adequate space on retained parcel to accommodate a new single family dwelling and septic system. The leaching bed will likely need to be raised, depending on its location.

Hydro One Networks – No comments were received.

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

County Public Works Department -
Retained Lands - Applicant has an approved existing entrance to the County Road (#1382).
Severed Lands - Applicant has an approved entrance location to the County Road (#2195).
Entrance to the severed lands to be installed prior to deed endorsement.
A full entrance application must be made for the severed lands. The retained lands gain access via County Road 2 (Heritage Drive), Permit 1382 refers.
Road Widening if not required.

(c) PLANNING REVIEW

The applicant proposes to sever a vacant parcel of land as a lot addition to lands owned by Terry Crawford and Jennifer Hunter at Pt Lot 3 Conc. 1 Montague (Reference Plan 27R-7237 Part 2 PIN 05253-0014) and retain a 57.6-ha vacant landholding.

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

The subject lands are located in an area characterized as large landholdings, mainly vacant with a few smaller residential lots in the immediate vicinity. Floodplain mapping has been undertaken for the Rideau Creek, a tributary of the Rideau River. However the floodplain mapping does not affect the lot to be enlarged or the lot enlargement. According, the applicant should be advised that in accordance with the Montague Zoning By-law development constraint will apply to the retained lands. (Section 3 (7) Flood Plain Regulations Subsection (b) "no building or structure shall be erected or altered with a flood plan or within 7.6 metres of a flood plain except with the written approval of the Conservation Authority".

Soils mapping indicates the lands are Class 6R – soils in this class are capable only of producing perennial forage crops, and improvement practices are not feasible and Subclass R – shallowness to solid bedrock. Solid bedrock is less than 3 feet from the surface.

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

(d) PUBLIC INPUT

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

(e) MINUTES – December 15, 2008

No persons attended the hearing.

(f) DECISION & CONDITIONS

DECISION: PROVISIONAL CONSENT IS GRANTED

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

CONDITIONS:

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

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

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

4. The Rideau Valley Conservation Authority shall be reimbursed for all costs incurred by the CA for reviewing this application.

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

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

7. The lands to be severed are for the purpose of a lot addition only to the adjacent lands
owned by and Terry Crawford and Jennifer Hunter at Pt Lot 3 Conc. 1 Montague (Reference Plan 27R-7237 Part 2 PIN 05253-0014) 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 Rideau Valley Conservation Authority advises that a minimum 30 metre development setback from all watercourses to mitigate the effects of flooding, erosion, pollution as well as the overall conservation of lands shall apply to the retained lands.*

- *The Leeds Grenville and Lanark District Health Unit advises that a raised septic system may be required for the retained lands depending on site location.*