

**4. APPEAL TO ONTARIO MUNICIPAL BOARD -
DECISION BY RURAL ALLIANCE SEVERANCE COMMITTEE - RA-144/2000 (EASTMAN)**

COMMITTEE RECOMMENDATION

That Council confirm the Planning and Development Approvals Department's appeal of the attached severance.

DOCUMENTATION

1. Planning and Development Approvals Commissioner's report dated 25 Sept 2000 is immediately attached.
2. An Extract of Draft Minute, 10 Oct 2000, immediately follows the report and includes a record of the vote.
3. A copy of an aerial photograph of the subject lands, issued separately to all members of Council under Clerk's memorandum dated 18 Oct 2000.

Our File/N/Réf. 22-00-0006
 Your File/V/Réf.

DATE 25 September 2000

TO/DEST. Co-ordinator, Planning & Environment Committee

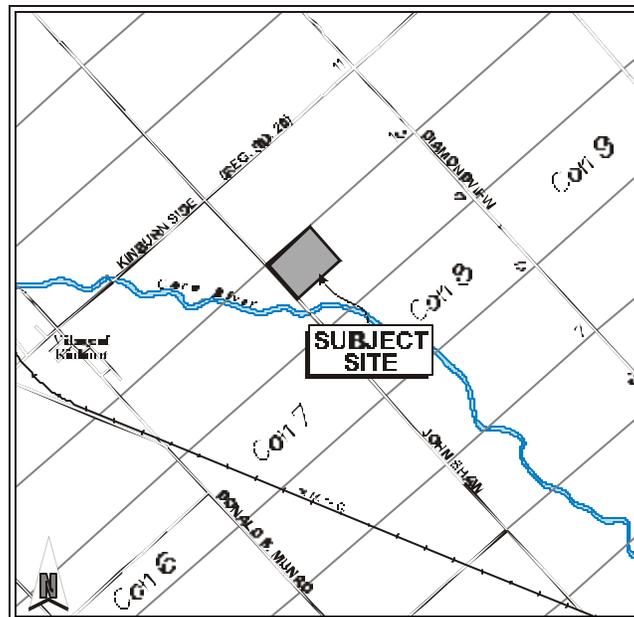
FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **APPEAL TO ONTARIO MUNICIPAL BOARD
 DECISION BY RURAL ALLIANCE SEVERANCE COMMITTEE
 - RA-144/2000 (EASTMAN)**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council confirm the Planning and Development Approvals Department's appeal of the attached severance.

LOCATION



SUBJECT OF APPEAL

On 23 August, 2000 the Rural Alliance Committee conditionally approved application RA-144/2000. The approval was for the creation of a 10 ha. (25 ac.) lot to be severed from an overall holding of 55 ha. (136 ac.). The proposed use for the land to be severed is forestry and accessory uses (including residential).

The property is legally described as Lot 9, Concession 8 (Fitzroy), Township of West Carleton. The land is designated “Agriculture Resource Area” on Schedule A, “Organic Soils, Unstable Slopes and Flood Plains” on Schedule G to the Regional Official Plan. The lands are further designated “Agriculture-High Priority” and “Hazard Lands-Unstable Slopes” in the Township Official Plan and “Rural-RU” in the Township Zoning By-law.

Under both the Regional and Local Official Plans uses such as forestry are permitted. Section 7.3 (d) of the Regional Official Plan states:

that Council shall permit farm related severances in Agricultural Resource Areas

- d)** “for creating a new holding intended to be used exclusively as an agricultural operation, provided that the size of such holding and the remaining parent parcel are sufficiently large to make them suitable for the types of operations”

An average size for a viable farm operation is approximately 36 ha. (90 ac.) to 40 ha. (100 ac.). Although the Regional Official Plan is silent on an appropriate size, we rely upon the local plan to set out more detailed criteria. Section 6(1)(a)(ii) of the Township’s Official Plan states that an appropriate size for good agricultural practices in the long term should be 36 ha. or larger. Discussion with representatives, of the Ministry of Agriculture Food and Rural Affairs indicated that they also consider similar minimum lot areas to be viable in Ottawa-Carleton.

Forestry operations, like traditional farm operations, require substantially large areas in order to be economically viable. More importantly, forestry operations must take into account the business of good forestry practices and sustainability when considering the viability of such a use. Comments addressing these matters were prepared by the applicant’s consultants and submitted with the application (Annex 1) form to the Rural Alliance Committee.

The application does not conform to the official plans as the area of the parcel is not of an appropriate size to sustain a viable forestry operation on a constant basis. As such, approval of this consent creates a non farm-related residential lot in an area designated for agricultural uses.

We note for the Committee’s information that evidence presented at the consent hearing indicated that the recipient of the lands to be severed is in ownership of other lands on which he operates a forestry use. If the recipient is to use the severed lands as a consolidation with lands already in his ownership, we have greater latitude to look upon this application with favour. Should this be the case, an additional

residential use is not required and the severed property would have to be rezoned to preclude residential development.

Similar cases (farm consolidation) where land has been rezoned to restrict residential uses can be found in other municipalities in Ottawa-Carleton.

Therefore, if the applicant agreed to rezone the severed parcel to preclude residential development uses, staff would recommend withdrawal of its appeal to the Ontario Municipal Board.

Should consolidation not be the intent of this application, we cannot support approval and recommend that the Rural Alliance Committee decision be appealed to the Ontario Municipal Board as it does not conform to the policy of the Regional or Local Official Plans.

CONSULTATION

The public consultation process was not applicable for this report.

FINANCIAL IMPLICATIONS

This recommendation has no financial implications.

*Approved by
N. Tunnacliffe, MCIP, RPP*

Attachments:

Annex 1-Consent Application
Annex 2- RMOC Comments
Annex 3- Rural Alliance Committee Decision
Annex 4- Notice of Appeal to OMB



SEVERANCE COMMITTEE

OFFICE ADMINISTRATOR: Gwan Wilson

FOR OFFICE USE ONLY		
Severance Application No: RA-144100	Date Received: JUL 18 2000	
Regional Official Plan Designation: AGRICULTURAL RESOURCE		
Local Official Plan Designation: HIGH PRIORITY AGR.		
Zoning By-law No: 266181	Zone: RU	Section: 22
Authorization of Owner received (if required)	Yes ()	No ()

1.

Owners Name: DWIGHT EASTMAN	Telephone: 832-2988
Address: 2296 KINBURN SIDE RD., KINBURN, ONT. K0A 2H0	

2. TYPE & PURPOSE OF TRANSACTION

Creation of New Lot	<input checked="" type="checkbox"/>	Addition to a lot line (lot line adjustment)	<input type="checkbox"/>	Correction of Title	<input type="checkbox"/>
Mortgage or Charge	<input type="checkbox"/>	Partial Discharge of Mortgage	<input type="checkbox"/>	Easement/Right-of-Way	<input type="checkbox"/>
Lease	<input type="checkbox"/>				

3. If known, name of person(s) to whom land or an interest in the land is to be transferred, charge or leased, (if family, indicate relationship) GLEN BECK

4. LOCATION OF LAND

Municipality: TWP. OF WEST CARLETON, FITZROY WARD	
Lot: 9	Concession: 8
Part No:	Reference Plan No:
Lot No:	Registered Plan No:
Municipal No. and Street/Roadway: FRONTING ON JOHN SHAW RD.	

5. DIMENSIONS OF SEVERED PARCEL

Frontage: 1000'	Average Width: 1000'
Average Depth: 1090'	Area: 25 ACRES

6. DIMENSIONS OF RETAINED PARCEL

Frontage: 330' +/-	Average Width: 2000'
Average Depth: 4000'	Area: 136 ACRES

7. Are there any easements or restrictive covenants affecting the subject land? Yes () No (✓)

If yes, explain and easement/covenant MUST be shown on your sketch

8. EXISTING USE OF LAND TO BE SEVERED

Village	()	Farm Related Residential	()	Agricultural	()
Hamlet	()	Non-Farm Related Residential	()	Commercial	()
Industrial	()	Institutional	()	Bush	(✓)

PROPOSED USE OF THE LAND TO BE SEVERED

Village	()	Farm Related Residential	()	Agricultural	()
Hamlet	()	Non-Farm Related Residential	()	Commercial	()
Industrial	()	Institutional	()	Bush	(✓)

Elaborate with particulars on any items (s) designated above: *FOR A NUMBER OF YEARS MR. BECK HAS OPERATED A "FIREWOOD" BUSINESS. EACH YEAR HE AND A PARTNER CUT, PROCESS AND SELL HUNDREDS OF CORDS OF FIREWOOD. THIS BUSH LOT IS HEAVILY TREED WITH ELM, ASH, OAK & MAPLE. SELECTIVE CUTTING WILL PROVIDE A SUSTAINABLE SOURCE OF FIREWOOD.*

Number and Type of buildings on the land to be severed (a) Existing *0* (b) Proposed (new) *0*

9. EXISTING USE OF LAND TO BE RETAINED

Village	()	Farm Related Residential	()	Agricultural	(✓)
Hamlet	()	Non-Farm Related Residential	()	Commercial	()
Industrial	()	Institutional	()	Bush	()

PROPOSED USE OF LAND TO BE RETAINED

Village	()	Farm Related Residential	()	Agricultural	(✓)
Hamlet	()	Non-Farm Related Residential	()	Commercial	()
Industrial	()	Institutional	()	Bush	()

Elaborate with particulars on any items (s) designated above:

Number and Type of buildings on the land to be retained (a) Existing *1... MACHINERY SHED...* (b) Proposed (new) *NO... CHANGE...*

10. Is the severed parcel to be used as a "FARM RETIREMENT LOT?" Yes () No (✓)

11. Is the purpose of the severance to dispose of a SURPLUS FARM RESIDENCE through farm consolidation? Yes () No (✓)

12. SERVICES (PROPOSED)

Municipal Water/Sewers	()	Municipal Sewer/Well	()	Communal Well/Septic	()
Municipal Water/Private Sewage System	()	Well/Private Sewage System	(✓)	Lake/Other Water Body	()

When will proposed services be available

13. ACCESS TO SEVERED AND RETAINED PARCELS

Open Municipal Road	(✓)	Provincial Highway	()	Water	()
Regional Road	()	Private Right of Way	()		

If access is by water, indicate the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road

14. Is there an agricultural operation or an abattoir, livestock or stockyard, within 600 feet? Yes () No (✓)

If yes, specify details and show on sketch
ABUTTING OPEN FARM FIELDS

15. Is any part of the land swampy or subject to flooding, seasonal wetness or erosions? Yes (✓) No ()
 A PORTION OF THE PROPERTY IS WITHIN CARR RIVER 1 IN 100 YR. FLOOD PLAIN.
16. Type of Soil (clay, gravel, sand, rock, etc.) CLAY
17. Is the subject land currently, or has it ever been, the subject of:
 A Plan of Subdivision () A Zoning By-law Amendment ()
 A Minor Variance () A Ministers Zoning Order ()
 An Official Plan Amendment () Amendment (Marlborough Twp) ()
18. Has the owner severed any land from the parcel "originally" acquired? Yes () No (✓)
 If yes, and if known, indicate the date of transfer, the name of the transferee and the land use

19. What are the previous uses of this property and the lands immediately adjacent, that may have contaminated the site? (i.e. landfill site, former gas station, road construction waste)
 N/A
- Are you satisfied that there are no former uses that may have caused contamination of this site? Yes (✓) No ()

SKETCH - Each application must be accompanied by a sketch, PREFERABLY TO SCALE, showing:

- (a) the parcel of land that is the subject of the application showing the boundaries and dimensions of the parcel and showing the part of the parcel that is to be severed and the part that is to be retained as well as the location of any land previously severed
- (b) any abutting lands owned by the applicant showing the boundaries and dimensions
- (c) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing
- (d) the approximate location of all natural and artificial features on the subject land and on the adjacent land that may affect the application (buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas)
- (e) the existing uses on the adjacent land (residential, commercial, agricultural, etc.)
- (f) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way
- (g) the location and nature of any easement/covenant affecting the subject land
- (h) the location and distances of all wells and septic systems (tank and tile bed) from existing and proposed property boundaries. The distance between the well and septic system is also to be shown. If known, indicate if the well is "dug" or "drilled", the depth and the water quality.

APPLICATION FEES (effective May 31, 1999)
Separate Cheques for the following amounts must be submitted

If your application is in the Township of Rideau or Goulbourn the following cheques must accompany your application:
 "Conservation Partners" - \$250.00 + "G. Wilson Enterprises Inc." - \$1,000.00

If your application is in the Township of Osgoode or West Carleton the following cheques must accompany your application:
 "Conservation Partners" - \$150.00 + "G. Wilson Enterprises Inc." - \$1,000.00

A cheque for "Conservation Partners" is generally not required if your application is not creating a new lot.

Applications may be dropped off at your local Municipality or the Rural Alliance Severance Office, 6049 Perth Street, Richmond, Ontario K0A 2Z0 - Phone: (613) 838-3337

Freedom of Information and Privacy Act - Personal Information on this form is collected under the authority of THE PLANNING ACT and will be used to process this application.

Name of Owners Solicitor (if any):	
Address:	Telephone No:
Name of Authorized Agent (if any):	
Address:	Telephone No:
Please specify to whom all communication should be sent:	
Owner <input checked="" type="checkbox"/>	Agent () Solicitor ()

IF APPLICATION IS TO BE SIGNED BY AN AGENT/SOLICITOR ON BEHALF OF THE OWNER, THE FOLLOWING AUTHORIZATION MUST BE COMPLETED AS SET OUT IN SECTION 53(1) OF THE PLANNING ACT.

Authorization of Owner for Agent to make the application.

I, am the owner of the land that is subject of this application for a consent and I authorize To make this application on my behalf.

Date Signature of Owner

IF THE OWNER IS A CORPORATION, THE APPLICATION SHALL BE SIGNED IMMEDIATELY BELOW BY AN OFFICER EMPOWERED TO BIND THE CORPORATION.

Date Signature of Owner (I have the authority to bind the corporation)

AFFIDAVIT OR SWORN DECLARATION

(This section must be completed in the presence of a Commissioner of Oaths)

I, Dwight Eatman of the Twp of West Carleton in the Regional Municipality of Ottawa-Carleton solemnly declare that all above statements and the statements contain in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at the Village of Richmond in the Regional Municipality of Ottawa-Carleton this 18th day of July 192000

Gwen Wilson
Commissioner of Oaths
Gwen Maureen Wilson, a Commissioner, etc.,
Regional Municipality of Ottawa-Carleton,
for the Rural Alliance Severance Committee.
Expires June 16, 2002.

Dwight A. Eatman
Signature of Owner, Agent or Solicitor

REQUIRED SKETCH

6358/87 - FORM Help
- WALKER

DIAMONDVIEW RD.:



462
14
Access
Residential

← 330' →

Residential

7 acres
W. Goulay

AGRICULTURAL

CROP LAND

CROPLAND

N 1/2 Lot 8

BUSHLAND

BUSHLAND
SUBJECT OF SEVERANCE
APPLICATION

CARP RIVER
PASTURELAND

← 300' →

JOHN SHAW RD.

AGRICULTURAL

Severances for Forestry Use:

When a request is received for a severance for forestry use the first questions asked would be

1. Is this for forestry use to derive an income?
2. Is this for forestry purpose as defined by the Forestry Act, which includes Wildlife, recreation, protection of soils and waterways, and forest products

A. Forestry Use to Derive an income:

-To derive an income from the forests there should be proof that the forestry practice used is sustainable and good forestry practices are followed.

- The income from the forestry use should be a considerable amount of the individual's total income.

Keeping the above to points in mind the only way this can be achieved on smaller parcels of land in Ontario is through specialization such as nurseries, christmas tree growing and maple syrup production. In discussions with landowners who have parcels of land of 25 acres you get marginal returns in income through specialization.

Fuelwood production although specialized does not allow for harvesting on an annual basis to derive such income and still follow the codes for good forestry practices. In many cases it is the young maple or oak, which should be left for future sawlogs that are harvested before their time.

The amount of income through harvesting a woodlot would depend on the individual woodlots species composition, age and quality of material. Following good forestry practices a hardwood woodlot would be harvested using the selection or shelterwood system, which means every tree, should be marked before harvesting. In contrast poplar should be patch clear-cut but this would yield a lower income.

EXAMPLE OF INCOME DERIVED FROM HARVESTING:

Using the example of a hardwood woodlot in the West Carleton experience of MNR and Domtar has been the rotation of 20 years between harvesting if good forestry practices are followed. We also know that a good hardwood woodlot is averaging an income of \$400 /acre at present for landowners. This is up from \$200/ac of a few years ago. Therefore to supplement an income of \$12,000 sustainably and practice sustainable forestry you require:

$$30\text{ac} \times \$400/\text{ac} = \$12,000$$

$$30 \text{ ac} \times 20 \text{ (rotation age for harvesting)} = 600 \text{ acs}$$

B. Forestry Purposes:

Woodlots could be used for forestry purposes, which include recreation, wildlife, and protection of unique species. In this case these lands are usually identified as Significant Woodlands in a planning process. RMOC has done this in their Official Plan and has labeled it Natural Environment Areas. It identifies what activities are compatible within the Natural Environment Area. In the case of forestry the individual must follow good forest management practices which in hardwoods is using the appropriate silviculture system and marking and regardless of size of the property the quality of that

woodlot must be maintained and all the related functions must be sustainable not just the forests for revenue.

Recommendation:

This individual wants to sever 25 acres from a larger block for forestry use. From the example I gave you unless it is a specific use such as Christmas Trees, Maple Syrup Production, or a nursery there is no way 25 acres will sustain revenue on a constant basis. Fuelwood is not an option as it is a license to high grade and removes young trees before their time and not practice good forest management practices which the municipality should be promoting.

I would say no to this severance, as I do not feel good forest management can be practiced on 25 ac sustainably unless there is specialty products as discussed.

Those Consulted:

This issue was discussed with Eric Boysen, Private Land Coordinator MNR Peterborough and Martin Streit, Domtar to confirm my findings and to give input. Attached also is Domtar's information on what landowners are presently receiving per acre. West Carleton in commercial Hardwoods would be on the conservative side of the scale.



Jim McCready R.P.F.

Terrain Analysis & Mapping Services Ltd.

110 Westhunt Drive
PO Box 158
Carp, ON K0A 1L0

Ph: (613) 836-2594
Fax: (613) 831-2730
Email: ram-group@sympatico.ca

June 20, 2000

To: Mr. Tim Chadder,
Planning Department
Township of West Carleton
Kinburn, Ontario
K0A 2H0

Re: PROPOSED SEVERANCE: LOT 9, CONC. 8, FITZROY

I. Introduction

Terrain Analysis & Mapping Services Ltd. ("TAMS") was retained by the applicant to comment on the appropriateness of a 10.12 hectare severance from a parcel totalling 65.16 hectare in lot 9, conc. 8, Fitzroy ward, West Carleton Township.

Prior to this commentary, I had made a brief visit to the lands being addressed, reviewed a "Memorandum from Mr. Chadder to the Council dated May 30, 2000 re direction for Lot Area Minimum - Forestry" and a note concerning "Severance for forestry use authorized by Mr. Jim McCreedy (MNR)", reviewed relevant parts of Provincial Policy Statements, the Official Plan for West Carleton and the Official Plan of RMO-C, and discussed the forestry operation plan with the applicant.

II. Comment

1. The application certainly falls within provincial policy and governing official plans in that the forestry operation planned for it is a secondary use that is compatible with adjacent "agricultural uses". The RMO-C and West Carleton Official Plans allow for forestry within areas designated for agriculture. It is noteworthy that this severance will create no conflict with agricultural operations in the area as say small 0.4 to 2 hectares severences. In the latter case an accessory residential use could be un-buffered from agricultural noise, dust, etc. due to the smallness of the parcel.

On the related matter of what would be an appropriate size for a secondary use such as forestry (where an accessory residence is allowed) in West Carleton, the minimum size might be set at 5 to 8 hectare in order that the accessory use might be buffered from agricultural operations.

2. Mr. McCreedy's analysis seems restricted to an analysis whereby (i) the forestry operator maximizes immediate profit by harvesting young hardwoods for firewood and (ii) a 10 hectare parcel could not make a considerable contribution to an operator's income whilst the operator was giving due regard to wildlife, protection of species, etc. My understanding is that the parcel has been logged of its commercial timber and that the proposed

purchaser plans to integrate it into a forestry operation. This would thereby contributing to the total viability of his operation, i.e., the operator requires such acreage to contribute to a total sustainable acreage as outlined by Mr. McCready. Any firewood taken from this parcel would only be part of the operator's plan to sustain and develop commercial species and to assist in protection of a habitat for wildlife, all "good forest management practices".

Mr. McCready's requirement of 600 acres for a sustainable forestry operation does not address severances, it simply addresses the total acreage to be assembled by an operator for a successful sustainable forestry operation.

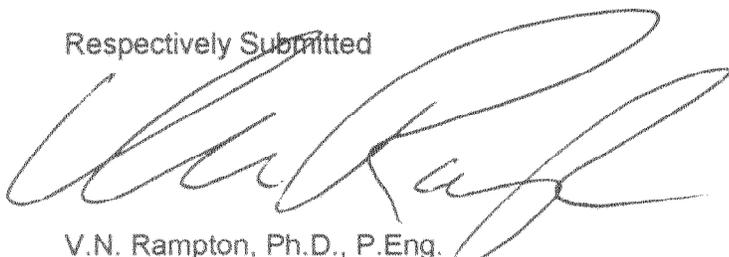
3. An accessory residence to the forestry operation would not interfere with agricultural operations because of there being no barns, etc. in the vicinity.

4. A forestry use maintains the flexibility of clearing this land and putting it into agricultural use in the future, albeit with some loss of diversified wildlife habitat because of the clearing. Maintenance of this small woodland, partly within the Carp River Floodplain, contributes to the areas environmental quality. The proposed forestry use and its adjacent related functions of wildlife preservation can be implemented through the required by-law for an undersize lot within an agricultural area.

III. Summary

The proposed severance will contribute to a sustainable forestry operation and as such is justified under the applicable plans. The forestry operation on a parcel of this size is compatible with and will not hinder surrounding agricultural operations. The required by-law for the proposed severance can properly restrict use of the property to forestry and accessory uses.

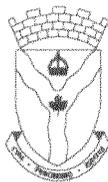
Respectively Submitted



V.N. Rampton, Ph.D., P.Eng.
Terrain Analysis & Mapping Services Ltd.

Region of Ottawa-Carleton
Regional Municipality of Ottawa-Carleton
Ottawa-Carleton Centre, Cartier Square
111 Lisgar street, Ottawa, Ontario K2P 2L7
Planning and Development Approvals Department

Tel. (613) 560-6058
Fax. (613) 560-6006



Région d'Ottawa-Carleton
Centre Ottawa-Carleton
Place Cartier, 111 rue Lisgar
Ottawa (Ontario) K2P 2L7
Service de l'urbanisme et de l'approbation des
demandes d'aménagement
Tél. (613) 560-6058
Télécopieur (613) 560-6006

14 August, 2000
Gwen Wilson, Office Administrator
Rural Alliance Severance Office
6049 Perth Street, Box 550
Richmond, Ontario
K0A 2Z0

Dear Ms. Wilson

Re: **Consent Application**
Hearing of August 2000

The following consent has been reviewed by the Planning and Development Approvals Department with input from our Environmental and Transportation Sections. We offer the following comments for the Committee's consideration:

RA-144/2000 Eastman
Lot 9, Concession 8 (Fitzroy)
Township of West Carleton

The proposed severance is located in an area designated "Agricultural Resource Area, Organic Soils, Unstable Slopes and Flood Plain". The local Official Plan further designates the property as "High Priority Agriculture and Hazard Lands". The applicant proposes to sever a 10 ha. (25 ac.) lot for forestry and accessory uses/residential while retaining a 55 ha. (136 ac.) for agriculture.

We have reviewed the supporting documents with this application and have a number of concerns which have not been adequately addressed.

We agree that the use proposed is compatible with neighbouring farm operations and that it is a use which is permitted in accordance with the ROP. However, we can not agree on the premise that this parcel will derive a sustainable income in support of a forestry use. As stated by Mr. McCready's letter, the only way one could achieve a marginal return on a 10 ha. parcel of land would be through specialization uses such as nurseries, christmas tree growing etc. Mr. McCready clearly states that "there is no way 10 ha. will sustain revenue on a constant basis" with the use proposed.

The ROP does not state a minimum size requirement for an agricultural parcel. However the LOP clearly recommends a minimum 36 ha. (89 ac.) parcel size. The zoning by-law recognizes a minimum 19 ha. (47 ac.) provision to recognize smaller holdings which have been created in the past.

The proposed lot is just over half the minimum lot provision permitted by zoning and falls very short of the LOP recommendation. In addition, a recognized forester has stated that the proposed holding is inadequate to sustain the stated agricultural use as an independent parcel.

In summary, we can not support this application for a 10 ha. parcel for forestry use with a residential component. The viability of the proposal is questionable as a farm parcel. The end result would effectively create a non-farm related residential lot in an area designated for agriculture.

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

Jeff Ostafichuk
Development Approvals



Severance Office
6049 Perth Street, Box 550
Richmond, Ontario
K0A 2Z0
(613)838-3337 fax (613)838-3338

August 24th, 2000

Appeal?

Mr. Dwight Eastman
2296 Kinburn Side Road
Kinburn, Ontario
K0A 2H0

Dear Applicant:

Re: Application for Severance RA 144/00

Attached herewith please find a copy of the decision of the Rural Alliance Severance Committee on your application for severance. Should you wish to appeal against the decision or against any condition imposed, notice of appeal, setting out written reasons, must be filed by **September 13, 2000** with:

Ms. Gwen Wilson, Office Administrator
Rural Alliance Severance Committee
6049 Perth Street, Box 550
Richmond, Ontario K0A 2Z0

The Ontario Municipal Board Act has set a fee of \$125.00 for a primary appeal and \$25.00 for each related appeal. **Cheques or Money Orders are to be made payable to the "Minister of Finance"**.

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

You will be notified should an appeal be filed by any of the agencies or persons to whom a notice of the decision has been sent.

If additional information is required, please contact this office between the hours of 8:30 a.m. and 4:00 p.m..

Yours sincerely

A handwritten signature in cursive script that reads "Gwen Wilson".
Gwen Wilson
Office Administrator
Rural Alliance Severance Committee

Copy to: T. MacHardy, Twp. of West Carleton
J. Ostafichuk, RMOC Planning Dept.
P. MacMillan, MVCA

RURAL ALLIANCE SEVERANCE COMMITTEE DECISION

Application for Severance RA 144/00

Pursuant to Subsection 17 of Section 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, your application for consent, **to sever a 25 ac. parcel for forestry uses**, as defined in Subsection 50(1), has been granted by the Rural Alliance Severance Committee.

The following conditions must be complied with on or before **August 24, 2001** failing which the application for consent shall be deemed to have been refused as set out in Subsection 53(41) of the Planning Act, R.S.O. 1990, Chapter P.13. as amended.

Conditions Precedent:

That executed deeds transferring title be submitted, in triplicate, to the office of the Rural Alliance Committee **on or before the above mentioned 2001 date.**

That 3 original copies of a reference plan, duly signed by the Registrar, be filed with the office of the Rural Alliance Committee when deeds are submitted for endorsement. The plan shall conform substantially to the sketch filed with the severance application.

The applicant must provide certification to the RMOC of the following:

- a) that the well has been constructed in accordance with MOEE guideline "Water Wells and Ground Water Supplies in Ontario",
- b) that the quality of the water meets the MOEE "Ontario Drinking Water Objectives" and
- c) that there is sufficient quantity for the intended use.

The certification must be prepared by a Professional Engineer. (This condition applies to all vacant parcels resulting from the severance application.)

NOTE: Should you not wish to proceed with the drilling of a well at this time, an Agreement with the RMOC may be entered into and registered on title.



13 September 2000

File: O.1.2. pending

Ms. Gwen Wilson
Rural Alliance Severance Office
6049 Perth Street, Box 550
Richmond, Ontario
K0A 2Z0

Dear Ms. Wilson:

**Re: Ontario Municipal Board Appeal of Consent RA TOWNSHIP OF
WEST CARLETON
APPLICATION RA 144/00 (APPLICANT-EASTMAN)**

The Regional Municipality of Ottawa-Carleton hereby appeals Consent RA 144/2000 of the Rural Alliance Land Division Committee pursuant to the *Planning Act*, Section 53(19). The reasons for this appeal are as follows:

1. The lands are legally described as Lot 9, Concession 8 (Fitzroy), Township of West Carleton. The application request was for a 10 ha. (25 ac.) lot to be severed from an overall holding of 65 ha. (160 ac.) parcel. The proposed use for the lands to be severed is for the purpose of forestry and accessory uses (including residential). The lands are designated "Agricultural Resource Area, Organic Soils, Unstable Slopes and Flood Plain".
2. Uses such as forestry are permitted within areas designated for agriculture. However, creating a new holding intended to be used exclusively as an agricultural operation must be of sufficient size to make them suitable for the type of operations proposed (Section 7.3 ROP).
3. Regional staff noted in their comments (attached) to the Rural Alliance Committee that although the use proposed was permitted in the agricultural designation the area to be severed was insufficient in size to support a use of this nature.
4. Such further and other grounds as counsel may advise and the Ontario Municipal Board permit.

Enclosed please find a cheque in the amount of \$125.00 payable to the Minister of Finance.

Yours truly,

A. Taschereau

Alexia Taschereau

Solicitor

AT/ce

Attach.(1)

Extract of Draft Minute
Planning and Environment Committee
10 October 2000

APPEAL TO ONTARIO MUNICIPAL BOARD -
DECISION BY RURAL ALLIANCE SEVERANCE COMMITTEE -
RA-144/2000 (EASTMAN)

- Planning and Development Approvals Commissioner's report dated 25 Sep 2000

Jeff Ostafichuk, Planner, Planning and Development Approvals Division, provided Committee with an overview of the staff report.

Councillor van den Ham inquired if the Township of West Carleton was also appealing this severance. Mr. Ostafichuk replied it was not.

Councillor Munter, noting staff's concern the severance would create a non-farm related residential lot, asked if it was possible to have the land designated forestry, without residential uses. Mr. Ostafichuk advised the application was originally for a forestry use, with accessory and residential use. He said at the time staff commented on the application, they were not aware that the person who would be purchasing the property had other farm lands in the area, that they were using in a similar fashion for forestry. He advised staff did have discussions with the applicant, after the Rural Alliance Committee made its decision, as to staff being able to recognize this as a farmed parcel with the applicant's other property, provided there was no residential use.

The Committee then heard from the following public delegations.

Dwight Eastman, the applicant, noted in the staff report on page 68, it indicates that this particular farm parcel of is 136 acres, when in fact it is 160 acres.

Speaking to the severance, Mr. Eastman felt it important for the Committee to understand the land is zoned agricultural and would remain agricultural. He explained the severed portion of his farm operation was not utilized to any extent and he felt the highest and best purpose for the long term use of this property would be for it to remain as a forestry operation.

Mr. Eastman noted Mr. Beck, the intended purchaser of this piece of property (who was also in attendance), owns a number of other pieces of forestry properties and did not have a home on any of them. He said although Mr. Beck had no intention of building a home on this property in the near future, at some point he may well want to do that, as the other properties he owns do not have frontage onto an open and maintained road. Mr. Eastman said he would like to see this piece of property remain as a bushed lot and said he was very impressed with how Mr. Beck has managed his other properties. Mr. Eastman asked that the Committee withdraw the appeal

Extract of Draft Minute
Planning and Environment Committee
10 October 2000

Councillor Munter asked if Mr. Eastman would be content if a restriction were placed on the land prohibiting residential use. Mr. Eastman stated he would not. He said although Mr. Beck (who is purchasing the property) did not have any intention at this time of putting a house on the subject property, he may well have in the future; for example, at the time of his retirement.

Referencing Councillor van den Ham's earlier question with respect to the position of the Township of West Carleton, Mr. Eastman advised, in his capacity as Mayor, he stepped down from the process at the Township. He said this matter was a well researched and thoroughly discussed and Council unanimously supported it at that time.

Councillor van den Ham asked if Mr. Beck was allowed to build a house on the other properties. Mr. Beck advised both other pieces of land were landlocked. The Councillor noted this was an unusual circumstance and he indicated he would be supporting the withdrawal of the appeal.

Councillor Hill asked Mayor Eastman why he would not clear the wood off of this lot and use it for agricultural purposes. Mayor Eastman said this could be done however, it would require the land to be clear cut, the tree stumps bulldozed and the land drained. He offered this would not be appropriate nor would it be financially feasible. He advised he and his family had been farming the land in the area for six generations. He also pointed out there are no farm buildings or barns within $\frac{3}{4}$ of a mile of the subject piece of property, so that if a home were to be constructed on this piece of land, it would not cause any problems for the neighbouring farmers. He felt it important to stress this piece of land would remain a farm property.

Responding to questions from Councillor Hill, Mr. Beck advised he was born and raised in West Carleton. He noted he owned a cabinet making business in Fitzroy Harbour and would be using some of the wood from the subject land for his business. In addition, he would use some of the wood from this property for his firewood business.

Councillor Hill asked that the Committee support her motion to withdraw the appeal to the Ontario Municipal Board. She said the land was just not viable for agricultural operation as it is forested and she stressed it would continue to be a forest.

Extract of Draft Minute
Planning and Environment Committee
10 October 2000

Moved by B. Hill

That the Planning and Environment Committee recommend that Council instruct staff to withdraw the appeal to the OMB on severance RA-144/2000 (Eastman).

LOST

NAYS: M. Bellemare, P. Hume, G. Hunter, J. Legendre and A. Munter5

YEAS: D. Beamish, R. Chiarelli, B. Hill and R. van den Ham...4

The Committee then approved the staff recommendation.

That the Planning and Environment Committee recommend that Council confirm the Planning and Development Approvals Department's appeal of the attached severance.

CARRIED

(D. Beamish, B. Hill and R. van den Ham dissented)