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July 2008

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Land Severance – aka “Lot Creation by Consent”

Each year RVCA staff review several hundred applications for the creation of new building lots in municipalities throughout the watershed. While the majority of this activity occurs within the City of Ottawa and around the more than 90 recreational lakes in the Upper Rideau watershed, there is annual consent activity in every one of our 18 watershed municipalities.

The land severance or consent process provides for the legal separation of a piece of land to form a new lot or a new parcel of land. Rights-of-way, easements and any change to existing property boundaries also require land severance approval. Procedures are established in Section 53 of the *Ontario Planning Act* and most municipalities have additional local official plan policies and requirements relating to the land severance process.

Regulations under the *Planning Act* require that the Conservation Authority, along with a number of other agencies and individuals, be notified when a consent application is being reviewed by a municipality or county. Fees are charged by the Conservation Authority for providing comments and recommendations. The Conservation Authority review is often the only environmentally focused review these applications will receive. Prescribed timelines for response are also provided and must be respected.

So what does the Conservation Authority look for when we review a consent application? The list includes:

Local Official Plan Policies – is the application consistent with local policies established for the area?

Watershed Requirements – has a watershed or sub-watershed study been completed in this area? Have environmental protection requirements been identified? A determination will be made as to whether these requirements can be addressed through conditions on the consent.

Natural Hazards – is any part of the property subject to flooding? Are there steep or unstable slopes associated with the land? Are native soils subject to instability such as may be encountered with peat or other materials thus requiring special engineering or other considerations?

Natural Heritage – are there wetlands on the property that should be protected or are a constraint to development? Is there fish habitat on or adjacent to the property and if so, what is the nature and sensitivity of this habitat? Are there other sensitive natural features such as woodlots or valley lands?

Water Quality and Quantity – will the consent result in protection, improvement or restoration of the quality and quantity of water? Are there sensitive surface or ground water features or hydrologic functions that require

protection, improvement or restoration? Are there mitigative measures and/or alternative development approaches which can be used to protect water features?

Site Servicing – is the site suitable for a private sewage system and well? Most severance applications involve lands on private services (well and septic). Where the Conservation Authority acts for the municipality in the septic system approval function, a determination is made as to whether the site is suitable for a private sewage system. In addition, from time to time, municipal approval authorities will want confirmation that an adequate quality and quantity of domestic water will be available via a drilled well. The Conservation Authority would review an independent engineering assessment on behalf of the municipality.

In considering a consent application, the municipality will consider all the inputs received from agencies and adjacent landowners and make a decision consistent with local policies and the **Provincial Policy Statement** under Section 3 of the *Planning Act*.

A severance approval may have conditions attached to it including requirements for road widening, parkland dedication or environmental protection measures. In addition, the property owner may be required to enter into an agreement with the municipality to provide future services or facilities or protect specific areas of the new lot. Severance conditions must be met within one year.

When all the conditions have been met by the applicant, a certificate is issued by the municipal approval authority, whereupon the lot can be registered in the land registry office and is then available for development.



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