



**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

June 10, 2025

Forbes Symon, Planning Consultant

Fillipoff

Consent Application (Lanark County File Nos. B25/033, B25/034 & B25/035)

1. LOCATION AND DESCRIPTION

The subject property is located in Lot 5, Concession 4, geographic Township of Lanark, now in the Township of Lanark Highlands, locally known as 720 Rosetta Road. The property is approximately 1.5 km northeast of the Village of Lanark. The property has frontage on Rosetta Road, being an open and maintained Township Road. The subject property totals approximately 37.3 ha (75 ac) in size and is currently improved with an existing dwelling, well and septic system (Keymap Appendix "A").

2. PROPOSED CONSENT

The applicant proposes to sever three (3) lots from the subject property with the following characteristics:

1. B25/033 – total lot area of 11.38 ha (28.1 ac) and lot frontage of approximately 200.1 m (656.4 ft) on Rosetta Road, a Township maintained road. The lot is intended to be a residential building lot.
2. B25/034 - total lot area of 10.32 ha (25.5 ac) and lot frontage of approximately 256.9 m (842.8 ft) on Rossetta Road, a Township maintained road. The lot is intended to be a residential building lot.
3. B25/035 - total lot area of 11.13 ha (27.5 ac) and lot frontage of approximately 300 m (984.2 ft) on Rosetta Road, a Township maintained road. The lot is intended to be a residential building lot.
4. Retained Lot – total lot area of 4.65 ha (11.4 ac) and lot frontage of approximately 310.9 m (1,020 ft) on Rosetta Road. This lot is occupied by a single detached dwelling on private services.

The subject property is characterized as consisting of open pastureland and mixed bush. Surrounding lands in the area include residential properties, rural areas, and the Bradley A. Stewart Pit which is located to the east of the subject site. The subject lands

are located within the 300-metre influence area identified on Schedule 'B' of the Official Plan. However, given that the proposed lots will be generously sized, it is recognized that there would be sufficient area to accommodate a building envelope outside of the 300-metre influence area required by the Official Plan and the 150-metre influence area to an MXP zone as required under policies of the Township's Zoning By-law No. 2003-451.

3. PLANNING ANALYSIS

3.1 Provincial Planning Statement (PPS) 2024

The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning that provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. As per Section 3(5) (a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS. A review of applicable policies must be undertaken, and the application evaluated under the "consistent with" test.

The subject property is located on "Rural Lands" within Section 2.6 of the PPS, which permits:

1. *On rural lands located in municipalities, permitted uses are:*
 - a) *the management or use of resources;*
 - b) *resource-based recreational uses (including recreational dwellings not intended as permanent residences);*
 - c) *residential development, including lot creation, that is locally where site conditions are suitable for the provision of appropriate sewage and water services;*
 - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
 - e) *home occupations and home industries;*
 - f) *cemeteries; and*
 - g) *other rural land uses.*
2. *Development that can be sustained by rural service levels should be promoted.*
3. *Development shall be appropriate to the infrastructure which is planned or available and avoid the need for uneconomical expansion of this infrastructure.*

The policies of Section 4.1.1 of the PPS requires that "*natural features and areas shall be protected for the long term.*"

The lots to be severed are to be developed on private services. The proposed residential use of the lands is permitted in a Rural area. No additional infrastructure is needed to support this development. As a result of the application, the lots to be severed and the retained lands will remain compatible with the rural landscape and can be sustained by rural service levels. All lands will have frontage on a Township maintained road and will be developed on private services.

3.2 Lanark Highlands Official Plan (2024)

Schedule 'A' of the Official Plan designates the subject lands as "Rural Communities".

3.3.1.3 In order to maintain and protect the landscape and identity of the Rural Communities, it will be important to avoid inefficient land use patterns such as strip or scattered development, to minimize incompatibility between land uses and to minimize adverse environmental impacts.

The surrounding lands consist primarily of mixed rural lands with scattered rural residential uses. The development does not constitute strip development. The severed and retained lots would remain compatible with surrounding land uses and do not appear to present any adverse environmental impacts.

3.3.3.3 Up to three (3) consents, excluding the retained lot, may be granted for a lot or land holding existing as of April 1, 2003.

According to our records, there has been no severance since April 1, 2003, on the property. Therefore, the proposed severance conforms with the Official Plan.

3.3.6.2 A Hydrogeological and Terrain assessment shall be required through the consent process when any one of the following apply:

- 1. The development involves the creation of a lot less than 1 ha in size;*
- 2. The development is taking place in an area of potential or know hydrologic sensitivity or groundwater contamination;*
- 3. The development involves the creation of more than one building lot. A building lot is defined as a parcel of land suitable for residential development with a lot size less than or equal to 2 hectares. For the purpose of clarity, where a development proposal involves the creation of more than one lot, and one or both of the lots is greater than 2 hectares, a hydrogeological assessment will not be required unless triggered by other criteria of this Section.*
- 4. That development is located within 150 m of seven (7) other existing developments serviced with private well and septic. The requirements or scoped requirements of hydrogeological and terrain assessments will be determined in discussions with the peer reviewer of hydrogeological assessments for the Township and will ensure a minimum standard review to address adequacy for wells and appropriate construction methods.*

A hydro-geological study is not required given the size and location of the proposed lots.

4.1.4 Mineral Aggregate Reserve

Potential pit and quarry resources are identified as Mineral Aggregate Reserve on Schedule B – Development Constraints as a constraint overlay. It is the intent of this Plan that these areas be protected by directing permanent development away from them, and from adjacent land as set out in Section 4.1.5. Development and activities which would preclude or hinder the establishment of new extractive operations or access to the resources shall only be permitted if it is demonstrated that:

1. *The resource use would not be feasible; or*
2. *The proposed land use or development serves a greater long-term public interest; and*
3. *Issues of public health, public safety and environmental impact are addressed.*

4.1.4.1 *Residential and other sensitive land uses shall not be located within 300 metres of areas intended or used for a licensed pit operation or within 500 metres of areas intended or used for a licensed quarry operation unless it can be demonstrated, in accordance with Section 4.1.4 that such uses will not preclude or hinder existing and future extractive operations.*

4.1.4.2 *Adjacent Land*

4.1.4.3 *In areas located within 300 metres (984 feet) of a Mineral Aggregate Resource Policy Area intended or utilized for a licensed pit operation and 500 metres (1,640 feet) from a licensed quarry operation, incompatible development, including the creation of new lots shall only be permitted subject to the following criteria:*

1. *Hydrogeological investigations conducted by a qualified professional conclusively demonstrate that the proposed non extraction development can be adequately serviced by water and sewer services in a manner which will not impede continued existing and proposed extraction operations.*
2. *Any other investigation as required by the development approval authority such as traffic studies, noise studies, vibration studies, slope stability studies, air quality impact studies etc. are carried out and demonstrate that the proposed development can proceed without impeding the continued operation of the existing licensed operations and future operations on reserves. Such studies are to be carried out by a qualified professional.*

As noted, the subject site is located within 300 metres (984 feet) of a Mineral Aggregate Resource Policy Area identified on Schedule 'B' of the Official Plan. However, the proposed lots are of sufficient size to be able to accommodate a building envelope well outside of the 300-metre influence area. That being said, it is recommended as a condition of consent that a notice on title be registered for the severed lots, to provide notice to future purchasers that there is an existing aggregate operation within 300 metres (984 feet) of the lots.

8.4.8 *Minimum Distance Separation Calculation (MDS)*

All development shall be subject to the Minimum Distance Separation (MDS) calculation as developed by the Ontario Ministry of Agriculture, Food and Rural Affairs and amended from time to time, The MDS I and II calculation will be implemented in the Zoning By-law which may contain provisions exempting properties from the application such as: non- voluntary building destruction, development within Village and Hamlet Communities and development on existing lots of record. The Municipality may require that restrictive covenants and/or notices be registered on title as a condition of an approval of planning applications.

MDS calculations were prepared for six (6) barns located within the vicinity of the

subject lands. The proposed severed lots met MDS calculations to all adjacent barns, except for the barn structure located at 775 Rosetta Road. However, MDS guideline #41 directs that *“for proposed lots without an existing dwelling that are >1 ha, MDS setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling) and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.”* It is recognized that there would be an available building envelope on the severed lots outside of the required MDS setback. Furthermore, MDS calculations would not apply to the retained lot provided that the dwelling on the lot exists. To ensure new development does not occur within the required MDS setback, a site-specific zoning by-law amendment is recommended as a condition of consent to prohibit development within any portion of the severed lot(s) would be within the required MDS setback. A site-specific rezoning is a recommended approach to recognize building envelopes.

Application for consent must be evaluated with the policy directives of Section 8.4.2, which provides direction for the division of lands within the Township. The proposed severed and retained lots will conform to the criteria listed in section 8.4.2 provided that the recommended conditions of consent are approved.

3.3 Lanark Highlands Zoning By-law No. 2003-451

Under the Township's Comprehensive Zoning By-law No. 2003-451, the subject property is currently zoned "Rural (RU)". The three proposed new lots and retained parcel will comply with the minimum lot frontage of 60.0 m (196.8 ft) and the minimum lot area of 1.0 ha (2.47 ac) set out in the RU zone.

Two of the three proposed lots (B25/33 and B25/35) would be located within the 150-metre (492-foot) influence area of an MXP zone. However, as noted above, the proposed lots are of sufficient size to be able to accommodate a building envelope well outside of the 150-metre (492-foot) influence area. A notice on title is recommended as a condition of consent to ensure future purchases are aware of the Bradley A. Stewart Pit operation to the east.

4. COMMENTS

There were no comments or concerns received at the time of the writing of this report. The Township staff have requested that standard entrance and civic address conditions be applied.

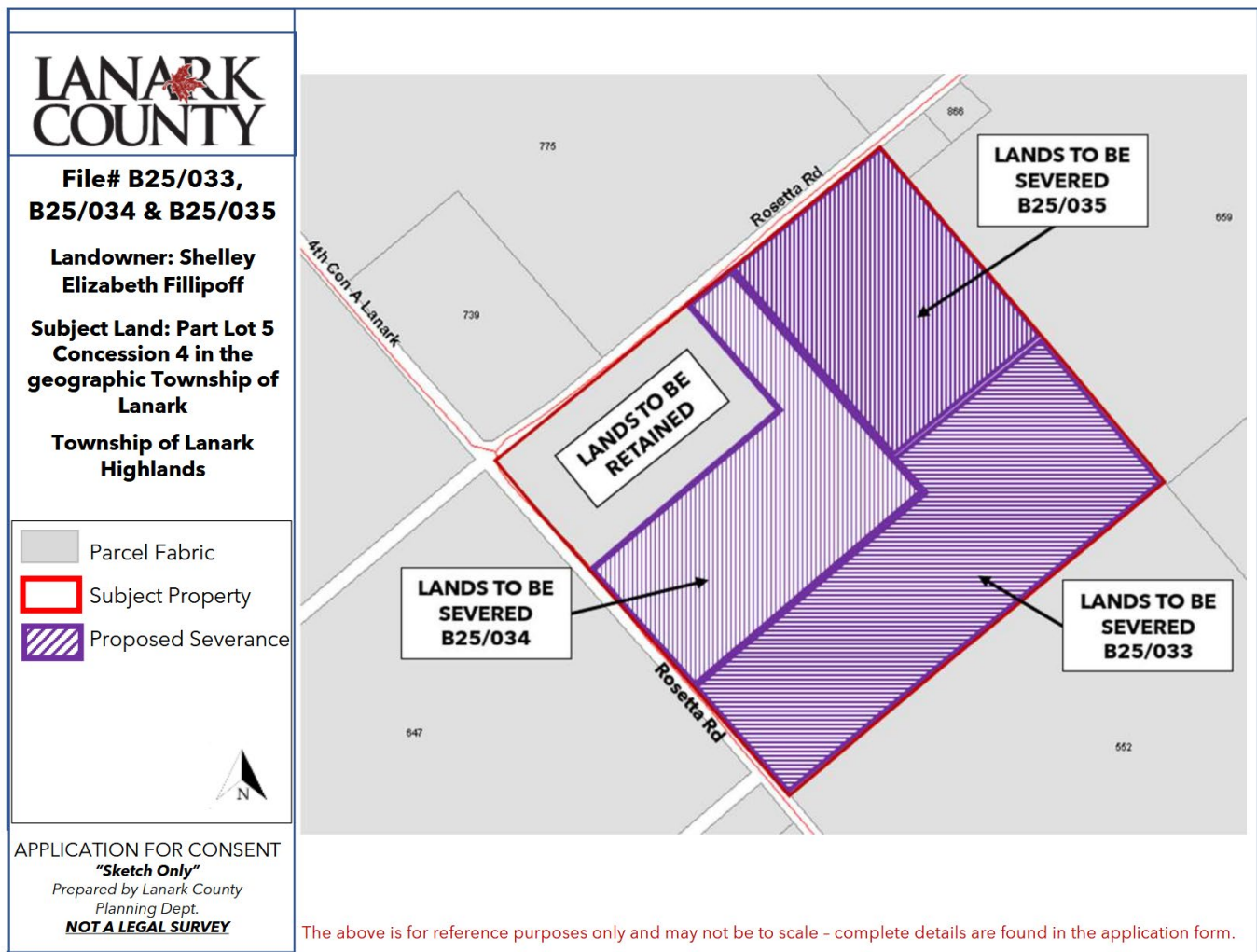
5. CONCLUSIONS

Based on the foregoing, it is concluded that the proposed consent is consistent with the PPS and generally conforms to the Township's Official Plan and Zoning By-Law, provided that the recommended conditions of consent are approved.

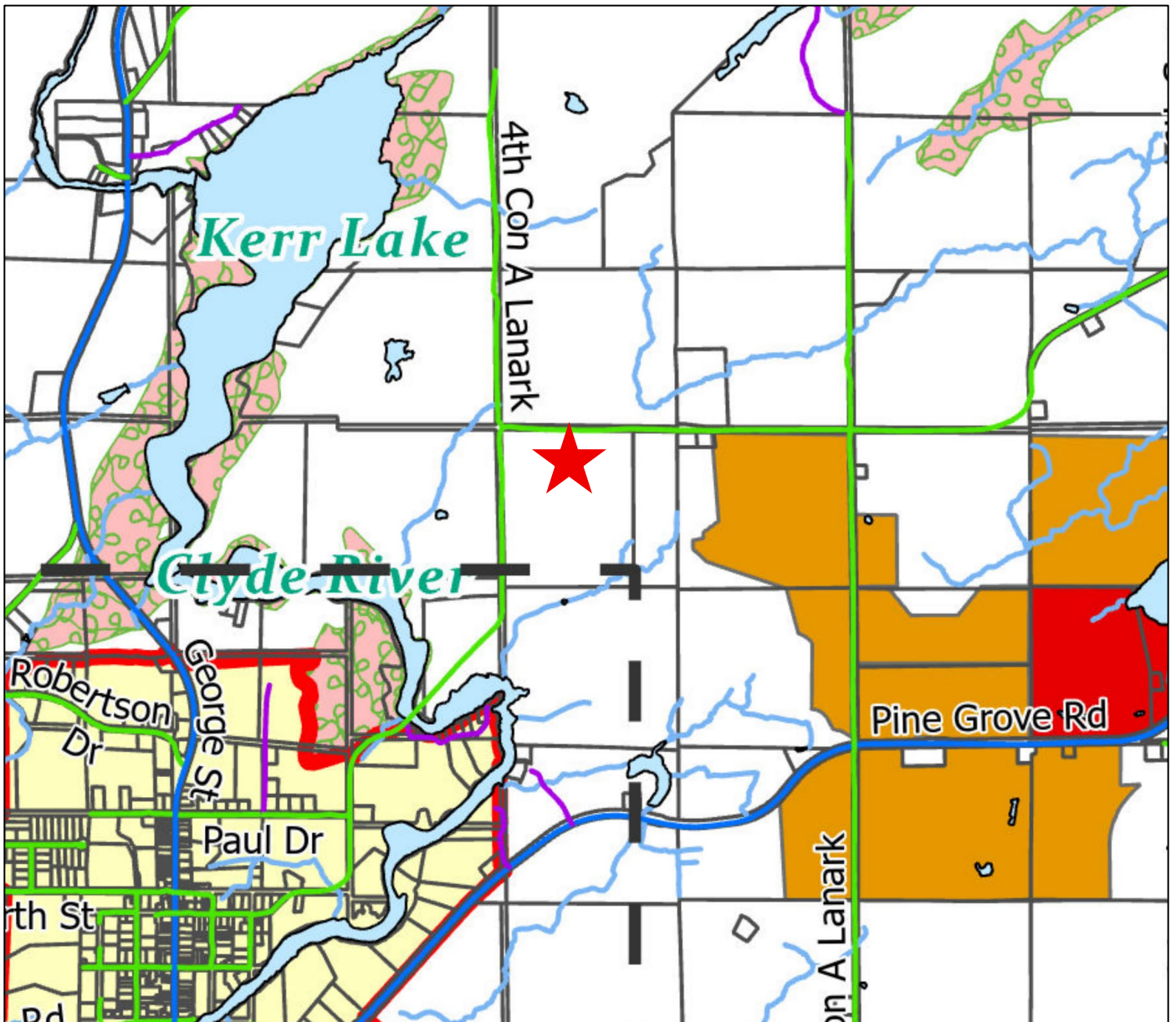
Attachments:

- Appendix 'A': Key Map
- Appendix 'B': Official Plan Schedule A
- Appendix 'C': Official Plan Schedule B
- Appendix 'D': Zoning Schedule
- Appendix 'E': Conditions of Consent

Appendix 'A': Key Map

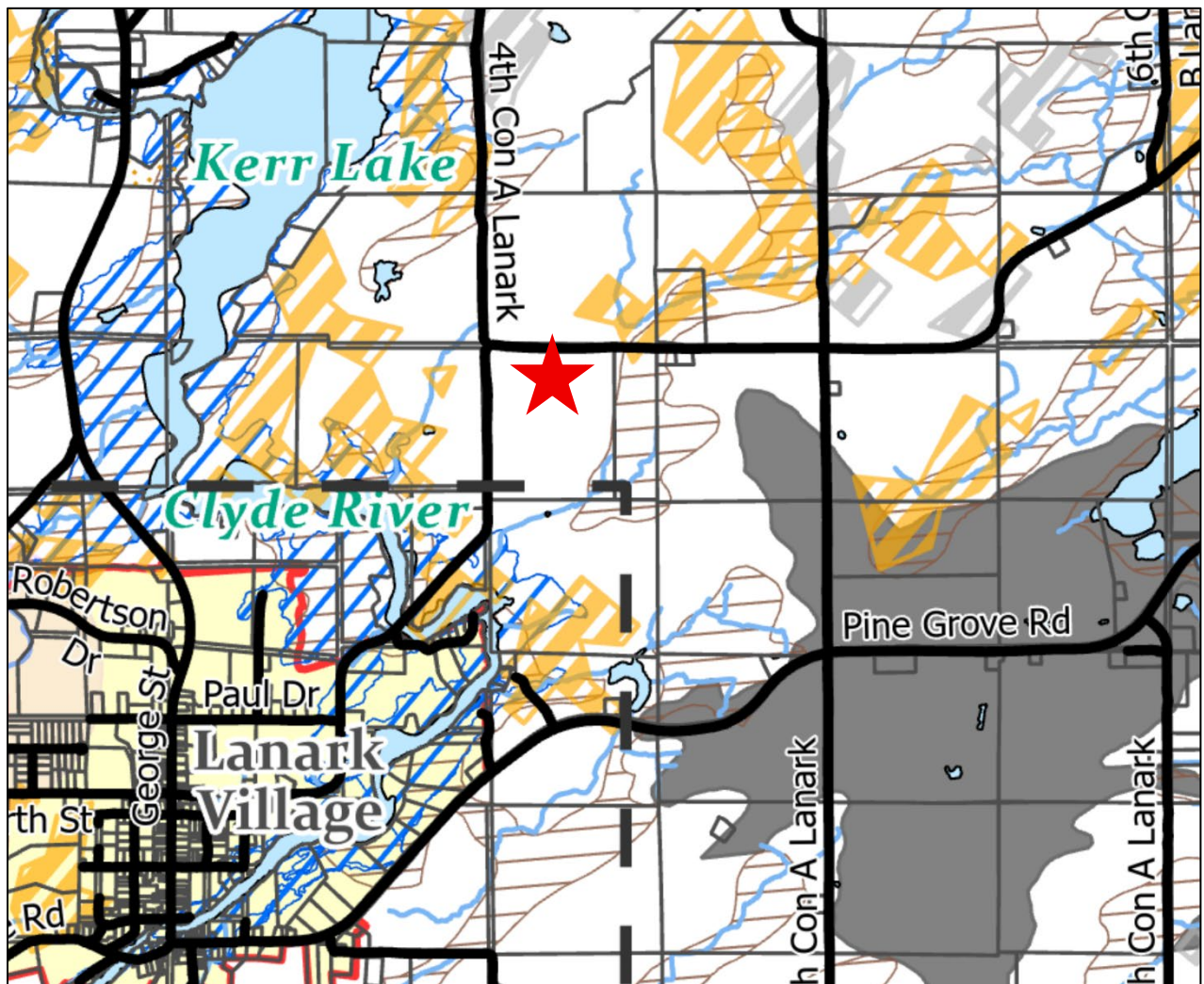



Appendix B
Official Plan Schedule A



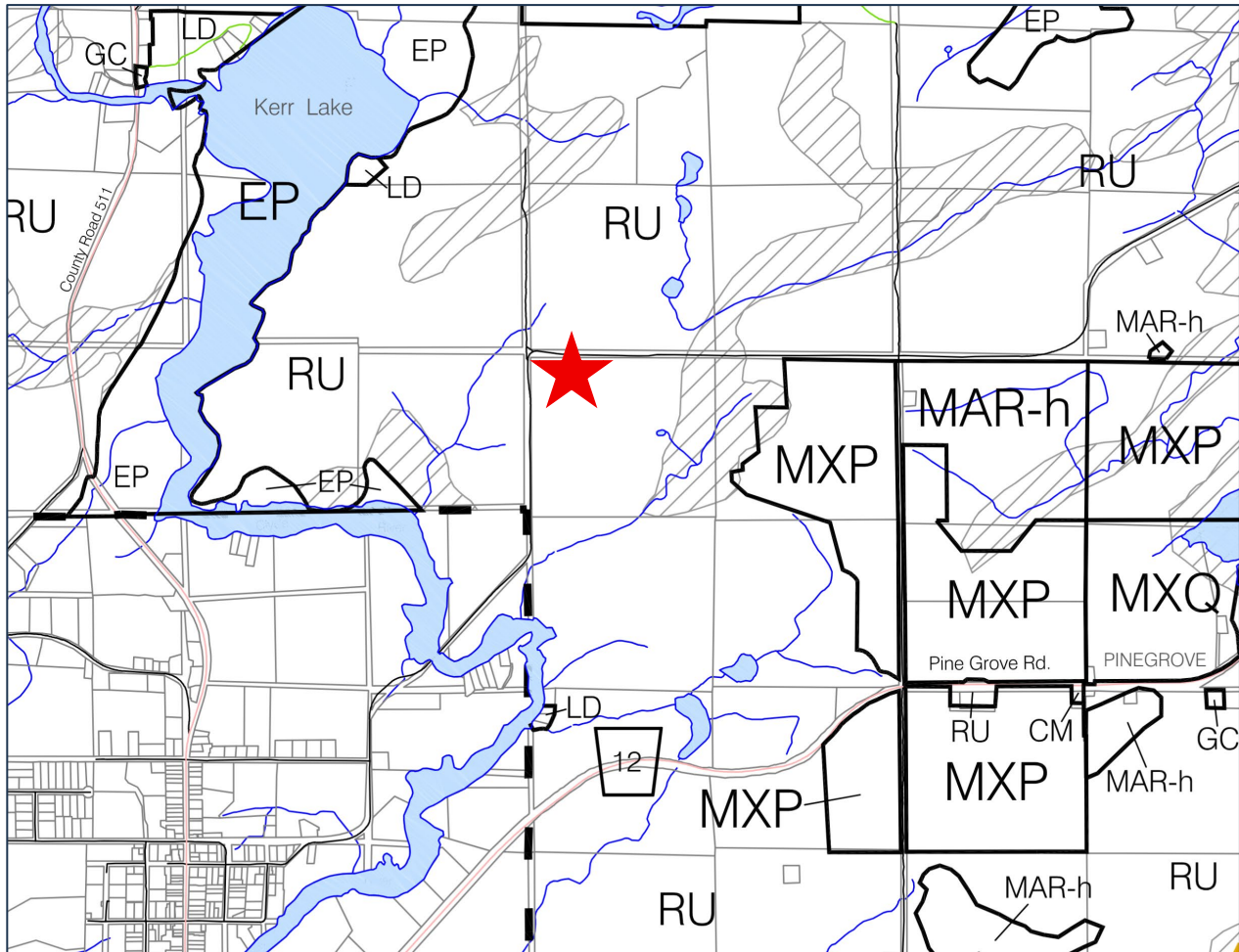
Subject Land – Rural Communities designation

Appendix C
Official Plan Schedule B



 Subject Land

Appendix D Zoning Schedule



★ Subject Land- Rural (RU)

Appendix E
Conditions of Consent (B25/033, B25/034 and B25/035)

1. *That the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township.*
2. *That the applicant provides a digital and paper copy of an acceptable draft reference plan or legal description of the severed lands and the draft deed or Instrument conveying the severed land to the Township for review.*
3. *The applicant shall provide the Township with a digital and paper copy of all deposited reference plans associated with this application.*
4. *Payment shall be made to the Township of \$450 per severed lot, representing the amount satisfactory to the Township in accordance with their Cash-in-Lieu of Parklands By-law pursuant to Section 42 of the Planning Act.*
5. *That the applicant shall obtain a Civic Address Number from the Township of Lanark Highlands for the severed lots and provide any traffic signs deemed necessary by the Township. The applicant shall consult directly with the Township in this regard.*
6. *That a notice on title be registered for each of the severed lots providing notice to future purchasers that there is an existing aggregate operation within 300 metres (984 feet) of the severed lots.*
7. *That the applicant obtain a zoning by-law amendment to rezone any portion of the severed lot(s) to a site-specific zone which would have the effect of identifying building envelopes outside of the MDS Arc and the setback from aggregate operations.*