



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

December 18<sup>th</sup>, 2023

Forbes Symon, Planning Consultant

**Wager/Martinig  
Consent Application (Lanark County File No. B23/092 & B23/093)**

**1. LOCATION AND DESCRIPTION**

The subject property is located at Part of Lot 9, Concession 7, geographic Township of Darling, now in the Township of Lanark Highlands, municipally known as 1144 7<sup>th</sup> Concession of Darling. The property is approximately 11 kilometres north of the Hamlet of Middleville. The property has frontage on the 7<sup>th</sup> Concession of Darling and Wardens Road, both being open and maintained Township Roads. The subject property totals approximately 31.02 ha (76.7 ac) in size. The applications for consent indicate that the property is currently occupied by a single detached dwelling. (Keymap Appendix "A").

**2. PROPOSED CONSENT**

The applicant proposes to sever two (2) large building lots from the subject property with the following characteristics:

1. B23/092 – total lot area of 1.65 ha (4.10 ac) and lot frontage of 194 m (639 ft) on the Wardens Road, an open and maintained forced Township Road. The Lot is vacant and is intended to be used as a residential building lot.
2. B23/093 – total lot area of 2.048 ha (5.06 ac) and lot frontage of 142 m (466 ft) on the Wardens Road, an open and maintained forced Township Road. The Lot is vacant and is intended to be used as a residential building lot.
1. Retained Lot – total lot area of 27.33 ha (67.54 ac) and a combined frontage of 670.06 m (2199 ft) of frontage on the 7<sup>th</sup> Concession of Darling and Wardens Road, both open and maintained Township Roads. The lot is occupied by a single detached dwelling.

The subject property is characterized as consisting of mixed bushes and rough rural lands. Other lands in the area are similar. There is a licenced Class B gravel pit under the ownership of Lanark County which is located directly to the south of the subject

lands on the opposite side of Wardens Road (Pit Licence 4156). Wardens Road is known as a “forced road” and meanders along the southern boundary of the subject property. There does not appear to have been previous severances from the subject lands.

### **3. PLANNING ANALYSIS**

#### **3.1 Provincial Policy Statement (PPS) 2020**

The Provincial Policy 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 in a Rural Area within the meaning of the PPS.

*1.1.5.2 On Rural lands permitted uses include resource management, resource-based recreation uses, residential development, including lot creation that is locally appropriate, agricultural uses, home occupations and other rural land uses.*

*1.1.5.3 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*

*1.1.5.4 Development shall be appropriate to the infrastructure which is planned or available and avoid the need for unjustified and/or uneconomical expansion of this infrastructure.*

*2.1.1 Natural features and areas shall be protected for the long term.*

*2.5.2.4 Mineral Aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use.*

The lots to be severed are to be developed on private services. The 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. An Aggregate Impact Assessment has been completed by the applicant’s consultant and who has determined that “there would be no impact on the sand and gravel resources area identified as “King Pit” and the adjacent MAR-h lands” because of the consent applications. The severed and retained parcels will have frontage on a Township-maintained road and be developed on private services.

#### **3.2 Official Plan**

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

*3.3.1.3 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 of bush and rough rural lands. 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. An Aggregate Impact Assessment has been completed by the applicant's consultant and who has determined that "there would be no impact on the sand and gravel resources area identified as "King Pit" and the adjacent MAR-h lands" because of the consent applications.

*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 2003 on the property and therefore the proposed severance conforms with the Official Plan.

*3.3.6.2 A hydro-geology study shall be required in support of a lot creation application by consent or plan of subdivision where the proposed lot(s) is/are less than 0.8 hectares (1.9 acres), where related applications would create more than 1 new lot, where the new lot would be adjacent to an existing lot or within 50 metres (164 feet) of an existing lot.*

A hydro-geological study is not required based on the size and location of the severed parcels.

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 Zoning By-law**

Under the Township's Comprehensive Zoning By-law No. 2003-451, the subject property is currently zoned "Rural (RU)". The lands to be severed 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.

There is a portion of the retained parcel which is zoned Mineral Aggregate Resource Reserve – Holding (MAR-h). There are also the lands directly to the south of the proposed severed lots that are zoned Mineral Aggregate Resource – Pit (MXP). Both

these zones include a 150 m influence area setback from sensitive land uses, including residential dwellings.

The Aggregate Impact Assessment concluded that the MAR-h lands are not viable for additional resource extraction and that the Kings Pit to the south will not be impacted by the creation of the proposed severed lots. It is therefore recommended that there be a zoning by-law amendment to remove the MAR-h zoning from the retained lands and provide an exemption from Section 4.32.3 (b) which requires a 150 m influence area from sensitive land uses from the gravel pit to the south.

The proposed severance is deemed to be in compliance with the Township's Zoning By-law, subject to the aforementioned zoning by-law amendment.

#### **4. COMMENTS**

There were no comments or concerns received at the time of the writing of this report. The Fire Chief had no concerns with the proposed severed lot. The Manager of Public Works has requested the standard entrance, civic address and road widening conditions be applied. As part of the road widening condition, there will be a requirement for Wardens Road (forced road) to be transferred into the Township's ownership, consisting of a 20 m wide road allowance.

#### **5. CONCLUSIONS**

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

##### **Attachments:**

Appendix 'A': Key Map

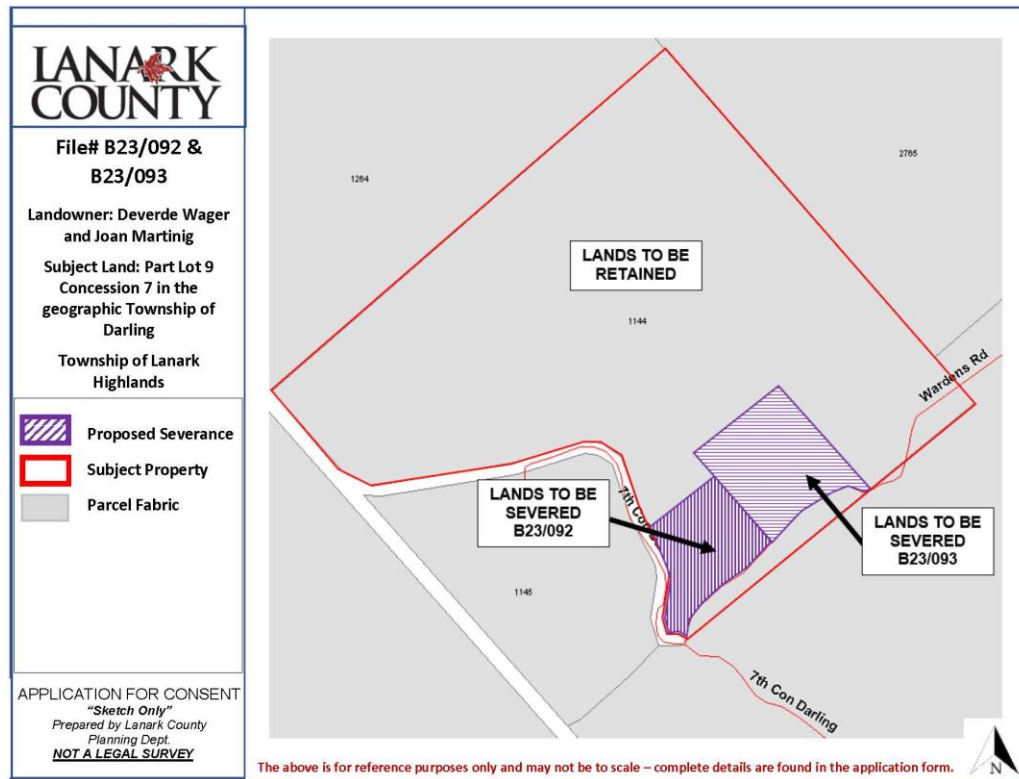
Appendix 'B': Official Plan Schedule

Appendix 'C': Zoning Schedule

Appendix 'D': Conditions of Consent

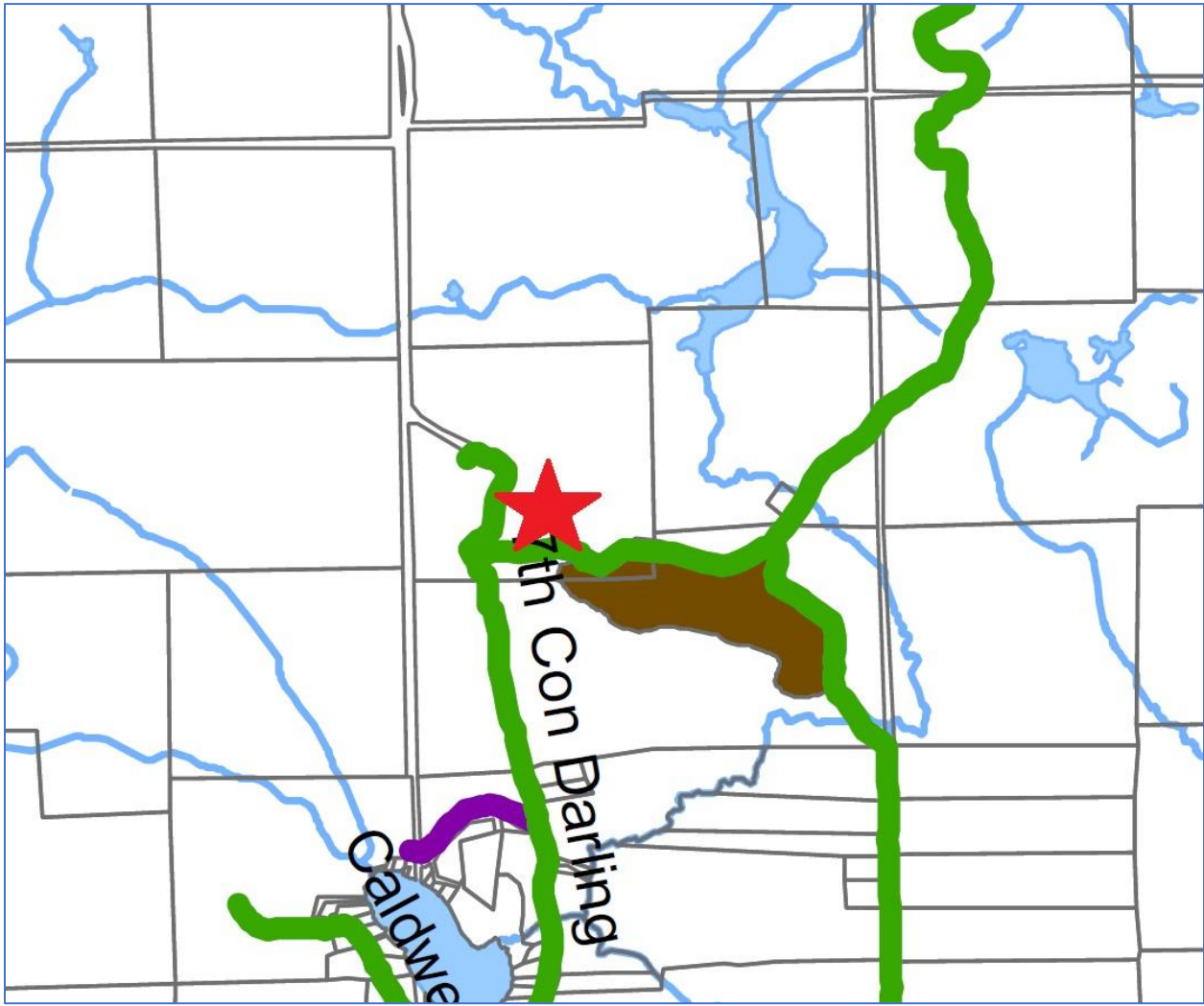
## Appendix A

### Key Map



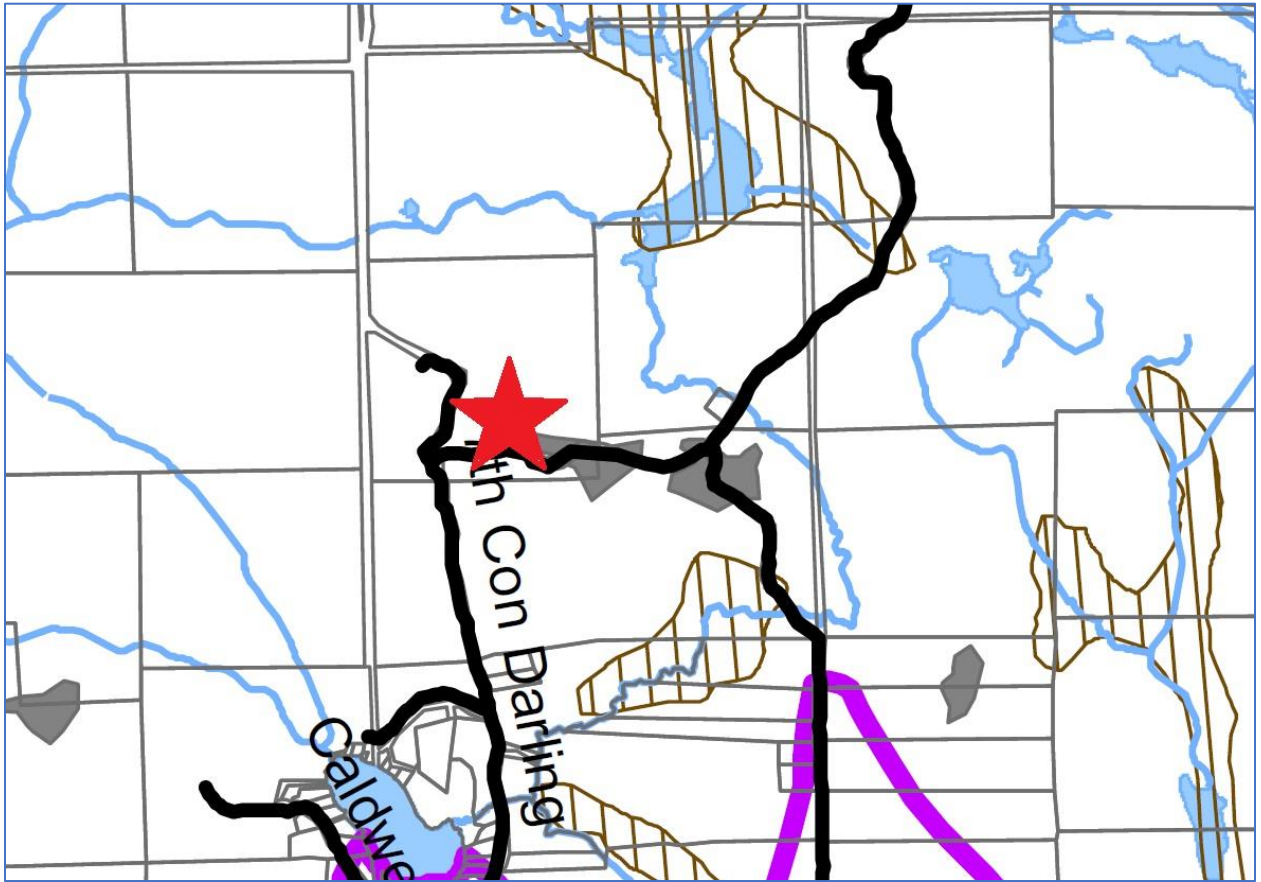
## Appendix B

### Official Plan Schedule A



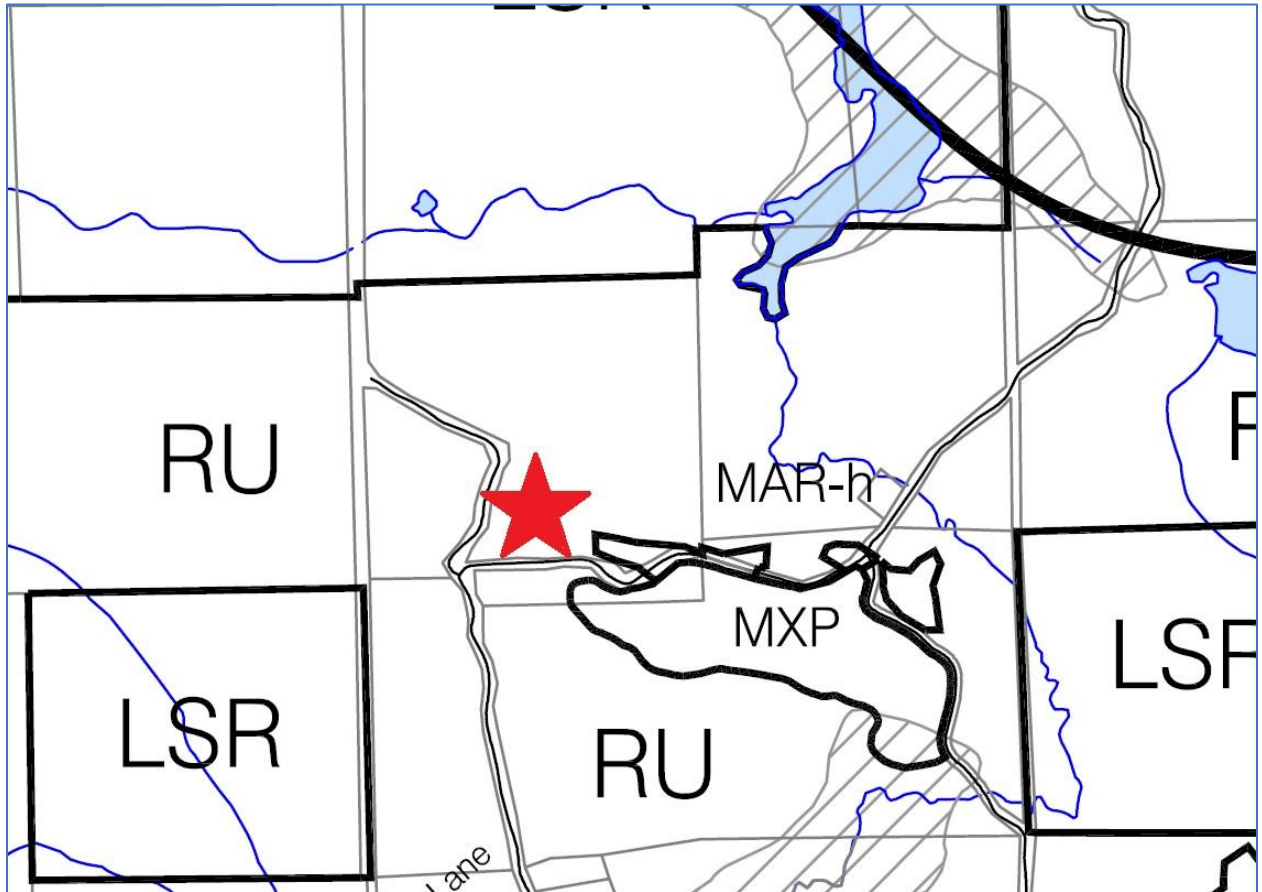
★ Subject Land – Rural Communities designation

**Appendix B**  
**Official Plan Schedule B**



★ Subject Land

**Appendix C**  
**Zoning Schedule**



★ Subject Land: Rural



**Appendix D**  
**Conditions of Consent (B23-092 & B23-093)**

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 lot and provide any traffic signs deemed necessary by the Township. The applicant shall consult directly with the Township in this regard.*
6. *That the applicant shall confirm that residential entrance to the severed lots are viable and obtain any necessary entrance permits and install any necessary safety signage from the Township.*
7. *That sufficient land be deeded to the Township of Lanark Highlands along the frontage of the severed and/or retained lots to meet the municipality's road widening requirements, at no cost to the Township (10 m from the centreline of road). Deeds are to be submitted to the municipality for review accompanied by a solicitor's certificate indicating that the municipality's title is free and clear of all encumbrances and that the municipality has a good and marketable title. The Township's Public Works Manager should be consulted prior to commencing a survey to determine the amount of road widening required. It is understood that Wardens Road is a forced road and that a 20 m road allowance will need to be transferred into the Township's ownership.*
8. *That the applicant obtains a zoning by-law amendment to remove the MAR-h zoning from the retained lands and provide relief from Section 4.32.3 (b) which requires a 150 m influence area from sensitive land uses from the gravel pit to the south of the severed lots, based on the conclusions of the Aggregate Impact Assessment.*