



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

November 29th, 2023

Forbes Symon, Planning Consultant

**Closs
Consent Application (Lanark County File No. B23/122)**

1. LOCATION AND DESCRIPTION

The subject property is located at Part of Lot 6, Concession 4, geographic Township of Lanark, now in the Township of Lanark Highlands. The property is approximately 2.5 kilometres northeast of the Village of Lanark. The property has frontage on Rosetta Road and the 5th Concession A of Lanark, both being open and maintained Township Roads. The subject property totals approximately 40.27 ha (99.5 ac) in size and is currently occupied by a house. (Keymap Appendix "A").

2. PROPOSED CONSENT

The applicant proposes to sever one (1) residential building lot from the subject property with the following characteristics:

1. B23/122 – total lot area of 1.2 ha (2.96 ac) and lot frontage of 76.2 m (250 ft) on Rosetta Road, a township-maintained road. The Lot was occupied by a barn which had been recently demolished. The lot is intended to be a residential building lot. The application indicates that two dwellings are proposed for the property.
2. Retained Lot – total lot area of 39.07 ha (96.54 ac) and 590.0 m (1935.7 ft) of frontage on Rosetta Road, a township-maintained road. The lot is occupied by a single detached dwelling on private services.

The subject property is characterized as consisting of an open pastureland along Rosetta Road and a mix of bushes, lowlands and pastureland covering the rear of the property. The lowlands in the middle of the retained parcel are noted as having organic soil but this feature does not appear to impact the proposed severed lot. The lands directly to the south of the subject property are designated Pit. The applicant has prepared a Mineral Resource Impact Assessment (MRIA) as part of the submission of the consent application. The applicant has also prepared an MDS calculation for the application.

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 located 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.

The lot to be severed is 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 lot to be severed and the retained lands will remain compatible with the rural landscape and can be sustained by rural service levels. The severed parcel is deemed through the MRIA not to hurt the aggregate operations and deposits to the south and southeast of the subject property. No natural features are impacting the proposed severed lot. All lands will have frontage on the Township maintained road and will 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 mixed rural lands with scattered rural residential uses and aggregate operations.

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.

4.1.4 Potential pit and quarry resources are identified as Mineral Aggregate Reserve on Schedule B – Development Constraints as a constraint overlay. This Plan intends 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.

A Mineral Resource Impact Assessment (MRIA) was completed by Milestone Aggregate Consulting Services, dated May 22, 2023, and concluded that the severed lot “would have no impact on the sand and gravel resource area provided the building envelope respects a similar setback to the existing home on the retained parcel.”

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 parcel.

8.4.9 Minimum Distance Separation Calculation (MDS)

All uses permitted in the Agricultural Resource Policy Area 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 the approval of planning applications.

The applicant has prepared an MDS calculation report for the barns in the area. MDS was done for barns at 678 Concession Rd 5A, 775 Rosetta Road, and 1031 Rosetta Road. It was determined that “None of these buildings identified, generate MDS setbacks more than the actual setback distances to the proposed new lot. It is our opinion that the application to create a new residential lot meets the requirements of MDS and complies with Minimum Distance Separation formulae as published by OMAFRA.”

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 and retained parcels 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.

The property directly to the south of the severed lot, on the south side of Rosetta Road is zoned MXP and recognizes an aggregate operation on the southern lands. The MRIA has deemed that the proposed severed lot will not have an impact and recommended a similar setback for the building envelope as the existing dwelling on the retained lands. It has been determined based on air photo interpretation that the existing dwelling on the retained lands has a 54 m front yard setback from the centerline of the road. The RU zone requires a 25 m front yard setback from the centerline of the road. Therefore, it will be necessary for a zoning by-law amendment to establish a 54 front-yard setback for a dwelling on the severed lot.

The consent application indicated that the severed lot is intended to support two dwellings. In discussions with the applicant, it is understood that the desire for the second dwelling is to be consistent with By-law No. 2023-1841, being the Township’s Additional Residential Unit regulations.

4. COMMENTS

There were no comments or concerns received at the time of the writing of this report. The Fire Chief and CBO 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.

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

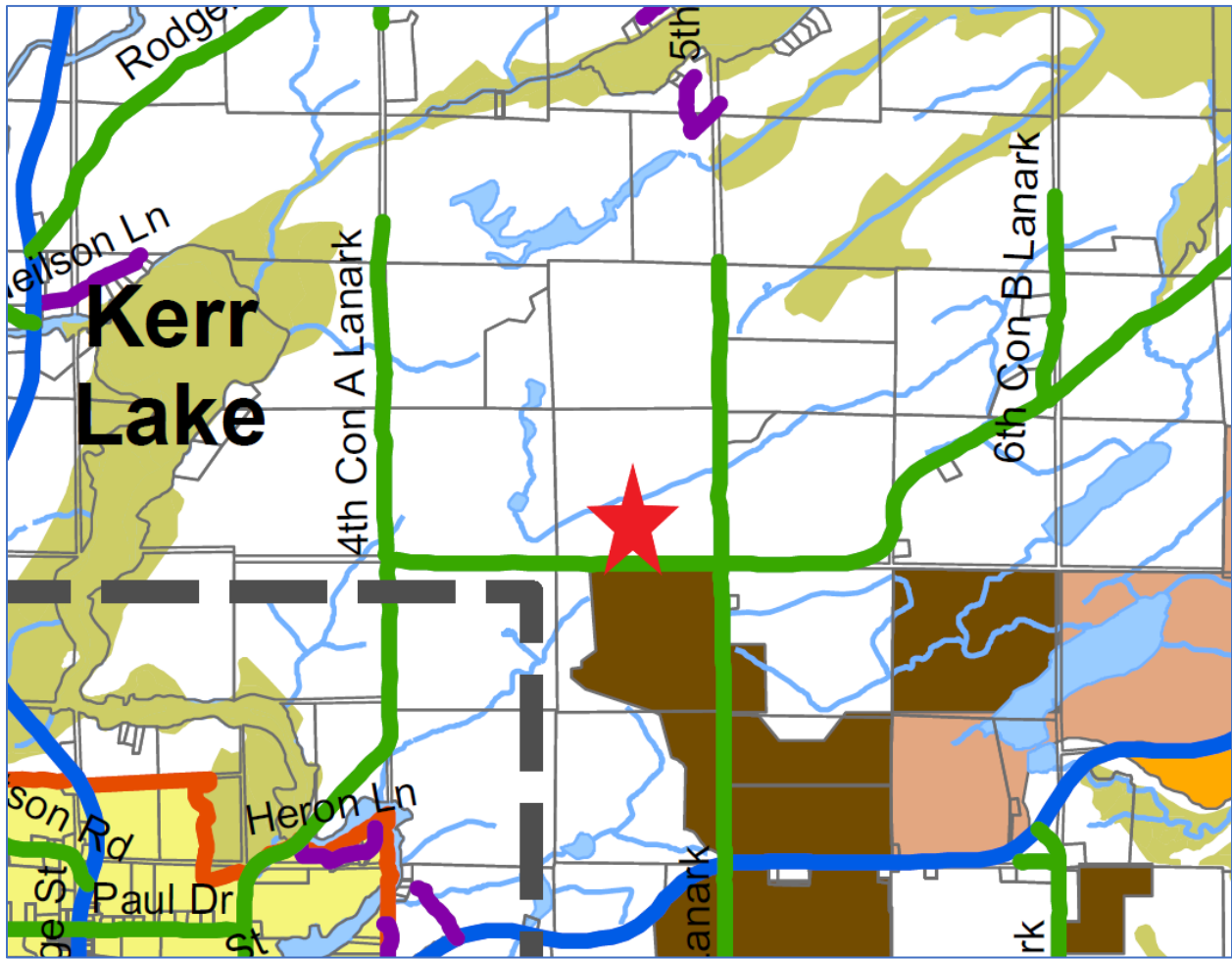
Appendix A

Key Map



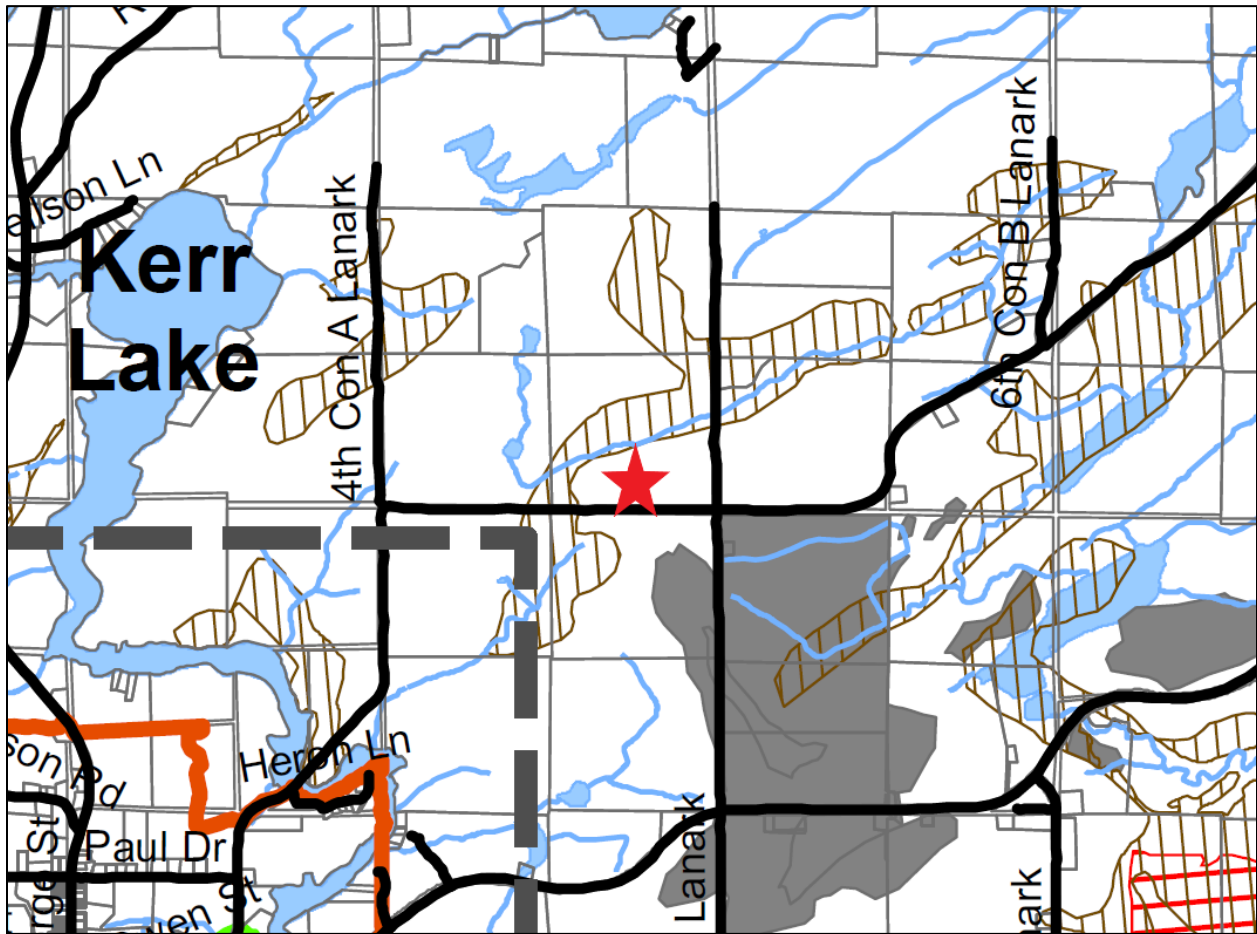
Appendix B

Official Plan Schedule A



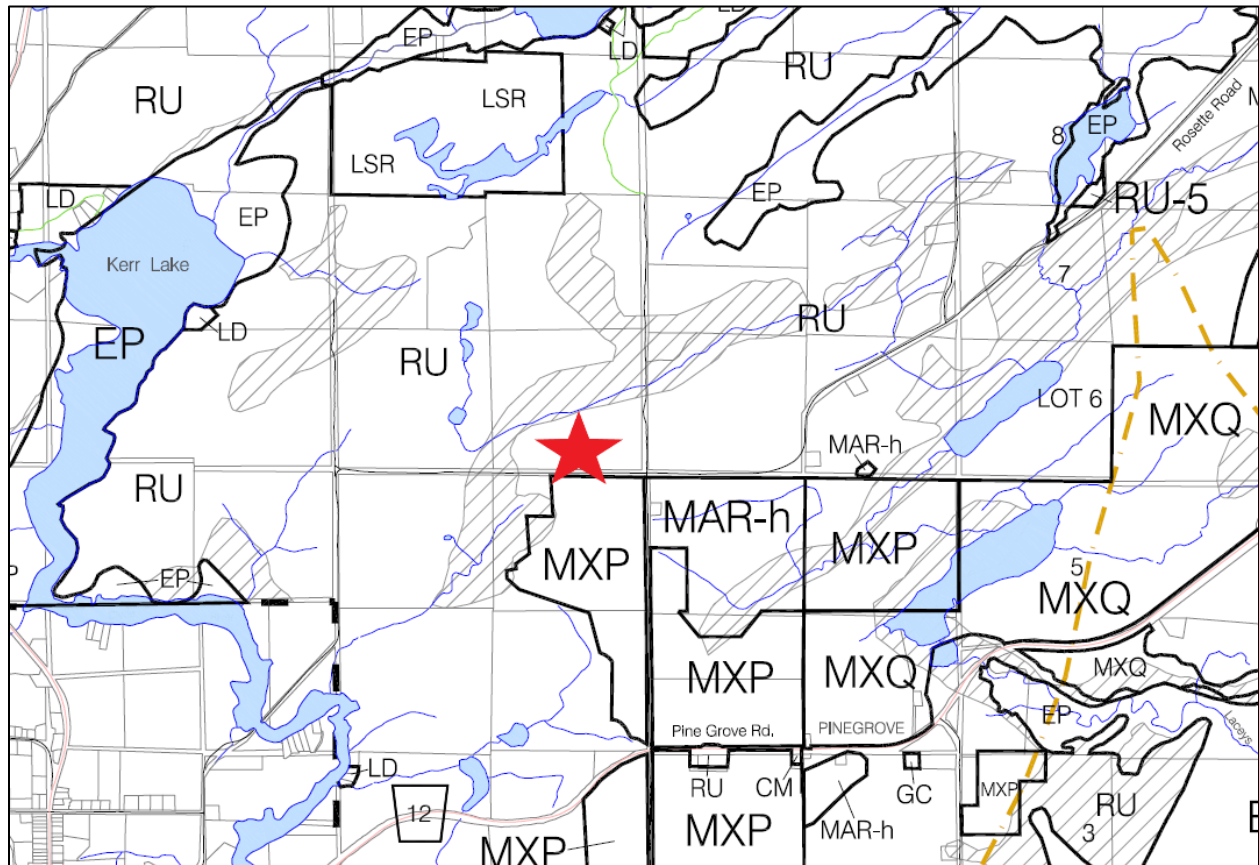
★ Subject Land – Rural Communities designation

Appendix B
Official Plan Schedule B



★ Subject Land

Appendix C Zoning Schedule



★ Subject Land: Rural

Appendix D
Conditions of Consent (B23-122)

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 provide 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 pay the balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) to the Township.*
6. *That the applicant shall obtain a Civic Address Number from the Township of Lanark Highlands for the severed and retained lots and provide any traffic signs deemed necessary by the Township. The applicant shall consult directly with the Township in this regard.*
7. *That the applicant shall confirm that residential entrance to the severed lot is viable and obtain any necessary entrance permits and install any necessary safety signage from the Township.*
8. *If required, that sufficient lands 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. 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.*
9. *That the applicant obtain a zoning by-law amendment for the severed parcel to establish a 54 m front yard setback for residential dwellings as recommended in the MRIA.*