



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

November 29<sup>th</sup>, 2023

Forbes Symon, Planning Consultant

**Matusiak  
Consent Application (Lanark County File No. B23/132)**

**1. LOCATION AND DESCRIPTION**

The subject property is located at Part of Lot 17, Concession 2, geographic Township of Dalhousie, now in the Township of Lanark Highlands. The property is approximately 8.1 kilometres northwest of the Village of Lanark. The property has frontage on Sugarbush Way and the 2nd Concession of Dalhousie, both being open and maintained Township Roads. The subject property totals approximately 79.49 ha (196.64 ac) in size. The application for consent indicates the property is currently occupied by storage buildings and a sugar camp. (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. B23/132 – total lot area of 2.02 ha (5.0 ac) and lot frontage of 142.3 m (466.69 ft) on Sugarbush Way, a township-maintained road. The Lot is vacant and is intended to be a residential building lot.
2. Retained Lot – total lot area of 77.47 ha (191.43 ac) and 395.2 m (1296.59 ft) of frontage on Sugarbush Way, a township-maintained road. The lot is occupied by several outbuildings including a sugar camp and a building that appears to be a livestock barn (directly to the west of the severed lot) but is indicated as a storage building on the application.

The subject property is characterized as consisting of open pastureland and mixed bush. Land in the area is similar and includes several residential properties. There were two previous severances from the subject lands in 1984.

**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. No natural features or natural resources 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. 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.

There is a Mineral Aggregate Reserve deposit located approximately 300 m to the east of the severed lot, outside of the influence area for aggregate deposits.

*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 air photo for the lands indicates that the “storage building” directly to the west of the subject property has been used for housing livestock as recently as 2019. The application indicates the building is currently used for storage. The location of the barn would not meet MDS requirements.

To ensure that the barn is not used for housing of livestock in the future, it will be necessary to rezone the lands to restrict existing structures from housing livestock. The Zoning By-law Amendment will be required as a condition of consent.

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.

#### **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

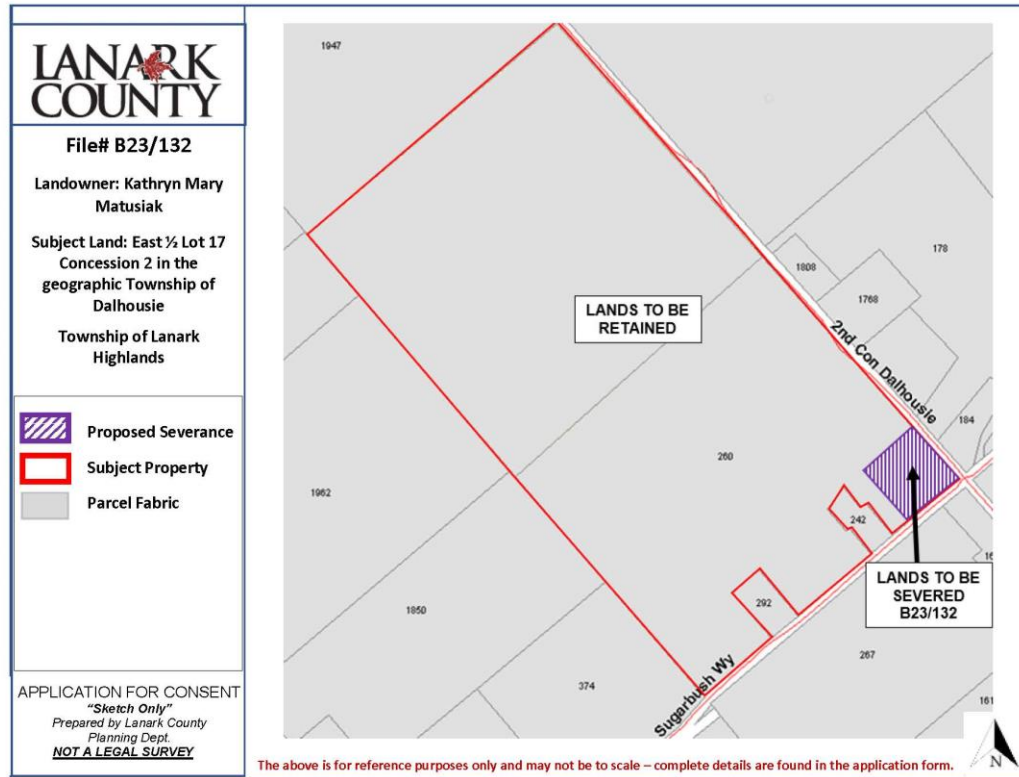
Appendix 'B': Official Plan Schedule

Appendix 'C': Zoning Schedule

Appendix 'D': Conditions of Consent

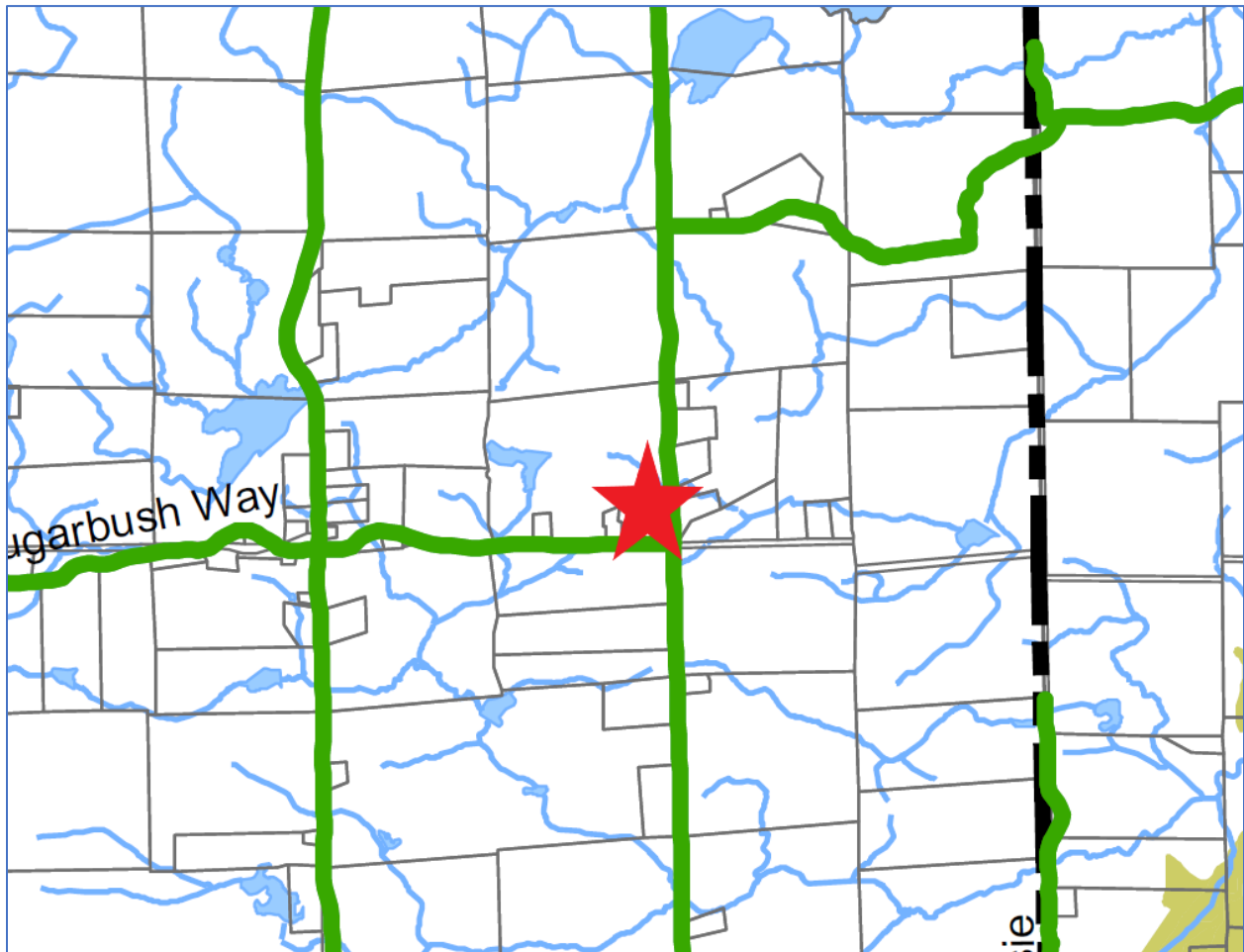
## Appendix A

### Key Map



## Appendix B

### Official Plan Schedule A



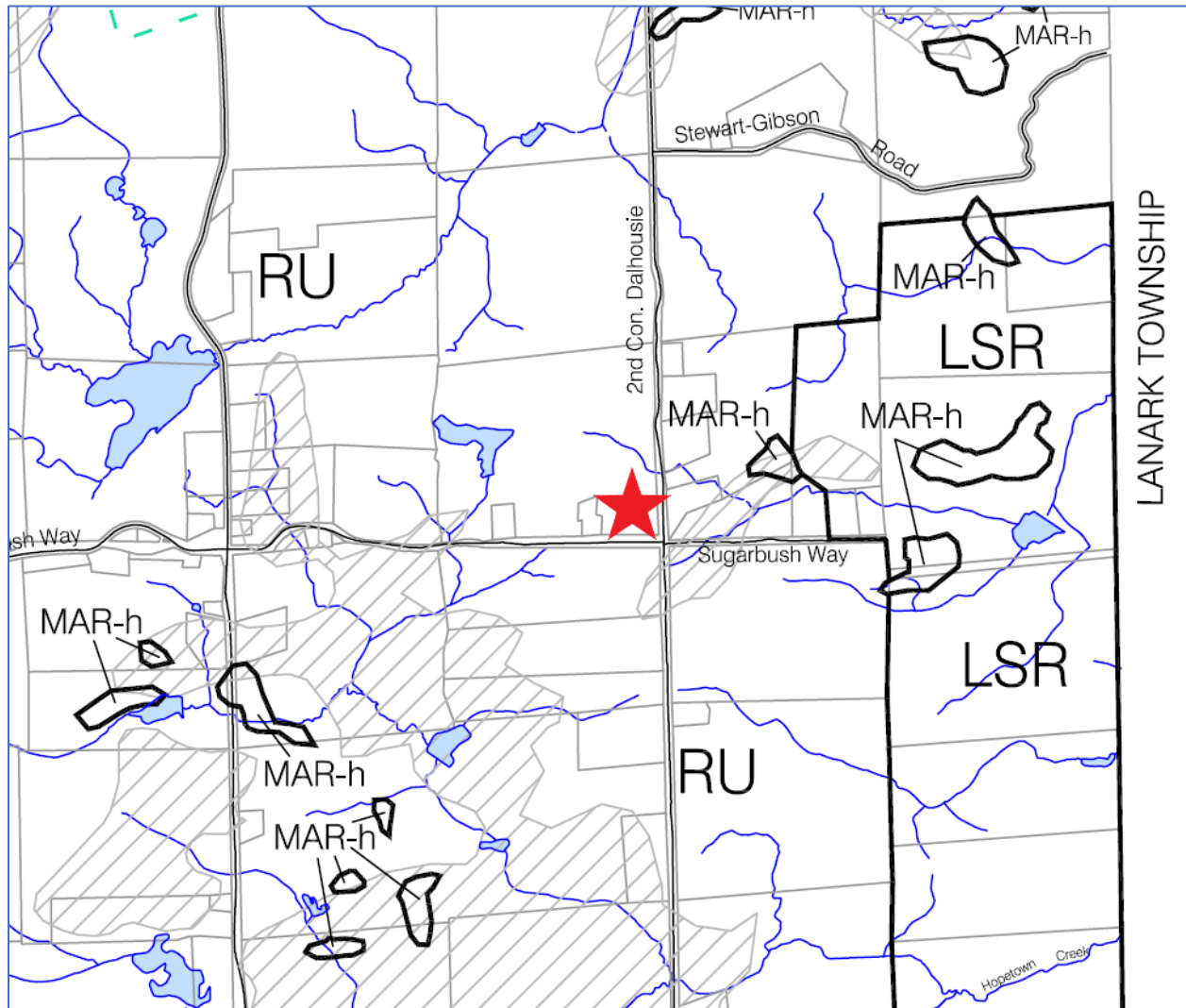
★ Subject Land – Rural Communities designation

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



★ Subject Land

## Appendix C Zoning Schedule



★ Subject Land: Rural



**Appendix D**  
**Conditions of Consent (B23-132)**

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 retained parcel to restrict existing structures from housing livestock.*