



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

September 24, 2024

Forbes Symon, Planning Consultant

**Henderson/Henry
Consent Application (Lanark County File No. B24/088)**

1. LOCATION AND DESCRIPTION

The subject property is located at Part Lot 1, Concession 10, geographic Township of Lanark, now in the Township of Lanark Highlands, locally known as 737 Ferguson's Falls Road. The property is approximately 9.5 kilometres east of the Village of Lanark. The property has frontage on Ferguson's Falls Road, being open and maintained Township Road. The subject property totals approximately 37.9 ha (93.79 ac) in size and is currently occupied by a house and various outbuildings (Keymap Appendix "A").

2. PROPOSED CONSENT

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

1. B24/088 – total lot area of 1.41 ha (3.49 ac) and lot frontage of 245 m (803.8 ft) on Ferguson's Falls Road, an open and maintained township road. The lot is intended to be a residential building lot.
2. Retained Lot – total lot area of 36.5 ha (90.3 ac) and 285.4 m (936.3 ft) of frontage on Ferguson Fall's Road, a township-maintained road. The lot is occupied by a single detached dwelling on private services.

The subject application is a re-submission of consent application B21/067, which received provisional approvals from the Committee of Adjustment on October 12th, 2021, but lapsed as a result of the conditions of consent not being fulfilled within the specified two (2) year timeframe under the *Planning Act*. No changes to the location or size of the severed lot are proposed together with this re-submitted application for consent.

The immediate surrounding area is characterized as consisting of mixed bush, open pastureland, and scattered rural residential development along Ferguson's Falls Road. There is a low area towards the southwest side of the subject property on the retained that has potential for organic soils, in addition to a Provincially Significant Wetland (PSW) feature, and an area of natural and scientific interest (ANSI) overlay. However, it is recognized that there would be sufficient building envelope available on the proposed severed lot to locate a dwelling and septic system outside of the identified natural heritage features.

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. All lands will have frontage on the 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 of mixed rural lands with scattered rural residential development. 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 have been two (2) previous severances on the subject lands since 2003 (B2005/104 and B2005/105). Provided that the proposed consent is a re-submission of B21/067, the application complies with the Official Plan.

3.3.6.1 *The minimum lot area required in the Rural Communities for residential development shall be based on the area required to ensure adequate private water and septic wastewater disposal systems. The minimum lot area shall generally be 0.8 hectare (1.9 acres) or more. Minimum lot areas of less than 0.8 hectare (1.9 acres) may be permitted by the Zoning By-Law depending on sustainable ground water quantity and acceptable quality as required by O. Reg 544/06, and the soil conditions and their ability to accommodate the effluent load from a septic field along with its replacement area, as demonstrated by a hydrogeology study prepared by a qualified professional.*

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.

Given that the proposed lot would be located within 150 m of seven (7) other existing lots developed on private services, a hydrogeological study was required to be submitted in support of the subject application.

As noted, there is Provincially Significant Wetland (PSW) and an area of natural and scientific interest (ANSI) identified on the retained lands towards the southwest of the subject lands, in addition to an organic soil overlay towards the west of the lands proposed for severance. However, it is recognized that the proposed new lot would meet the 120 metre (393.7 foot) setback from the PSW and ANSI required under Sections 5.3.2.4 and 5.3.3.1 of the Official Plan, respectively. Further, there would appear to be sufficient land available to locate future development outside of the potential for organic soils overlay. The MVCA's review of the initial application for consent (B21/067) did not identify any concerns with respect to the natural heritage features and lands proposed for severance.

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)" and "Environmental Protection (EP)". The severed lot would be located entirely within the RU zone and meet the required setback of 120 metres (393.7 ft) from the PSW on the retained lands. Moreover, both the 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) as set out in the RU zone.

4. COMMENTS

The Manager of Public Works has confirmed that the severed lot had previously been assigned civic address '785 Ferguson's Falls Road' and that an entrance permit was granted by the County as part of the original application submission for consent (B21/067). The Fire Chief and CBO had no concerns with the proposed severed lot.

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 (2024) and Zoning By-Law No. 2003-451, provided that the recommended conditions of consent are approved.

Attachments:

Appendix 'A': Key Map

Appendix 'B': Official Plan Schedule A

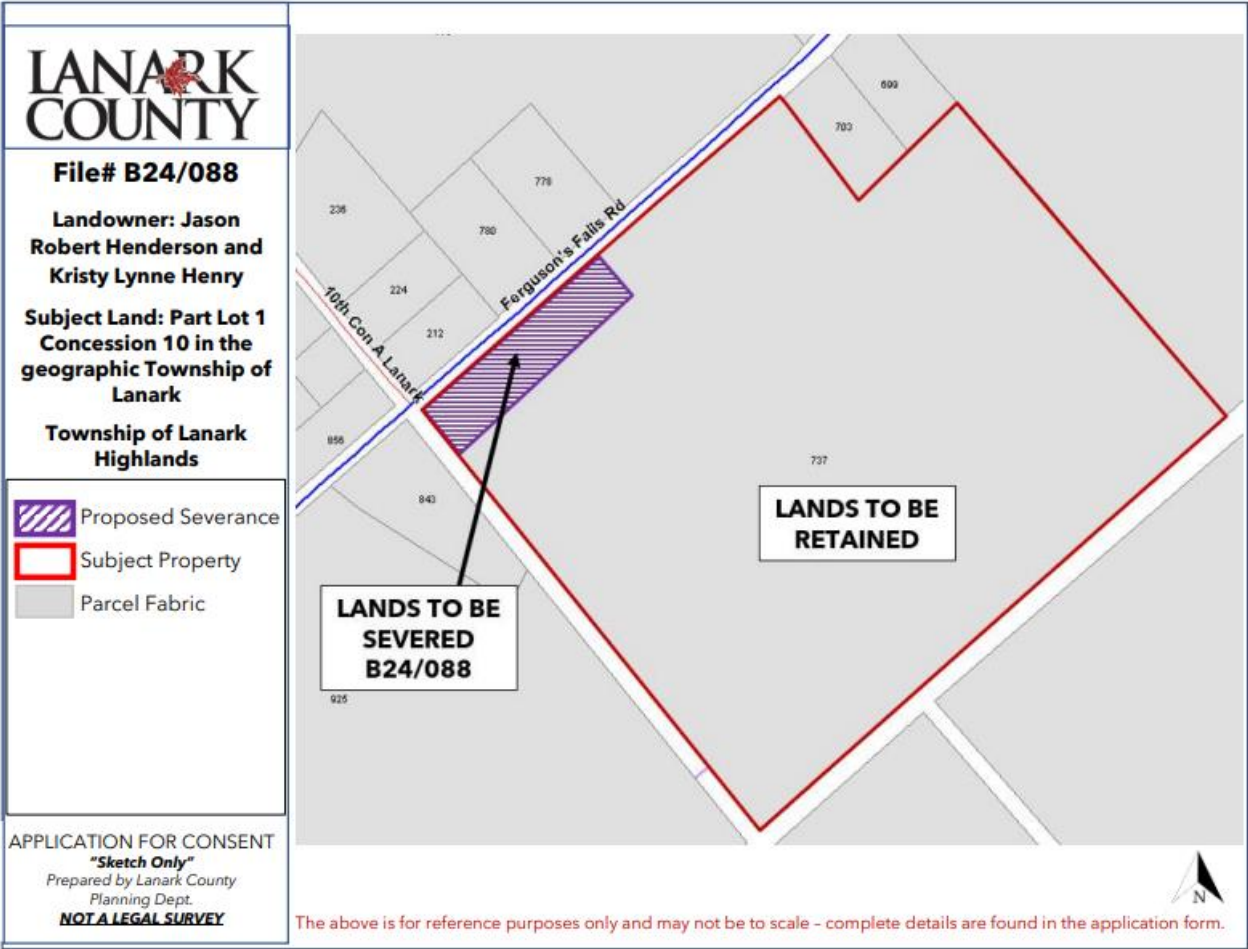
Appendix 'C': Official Plan Schedule B

Appendix 'D': Zoning Schedule

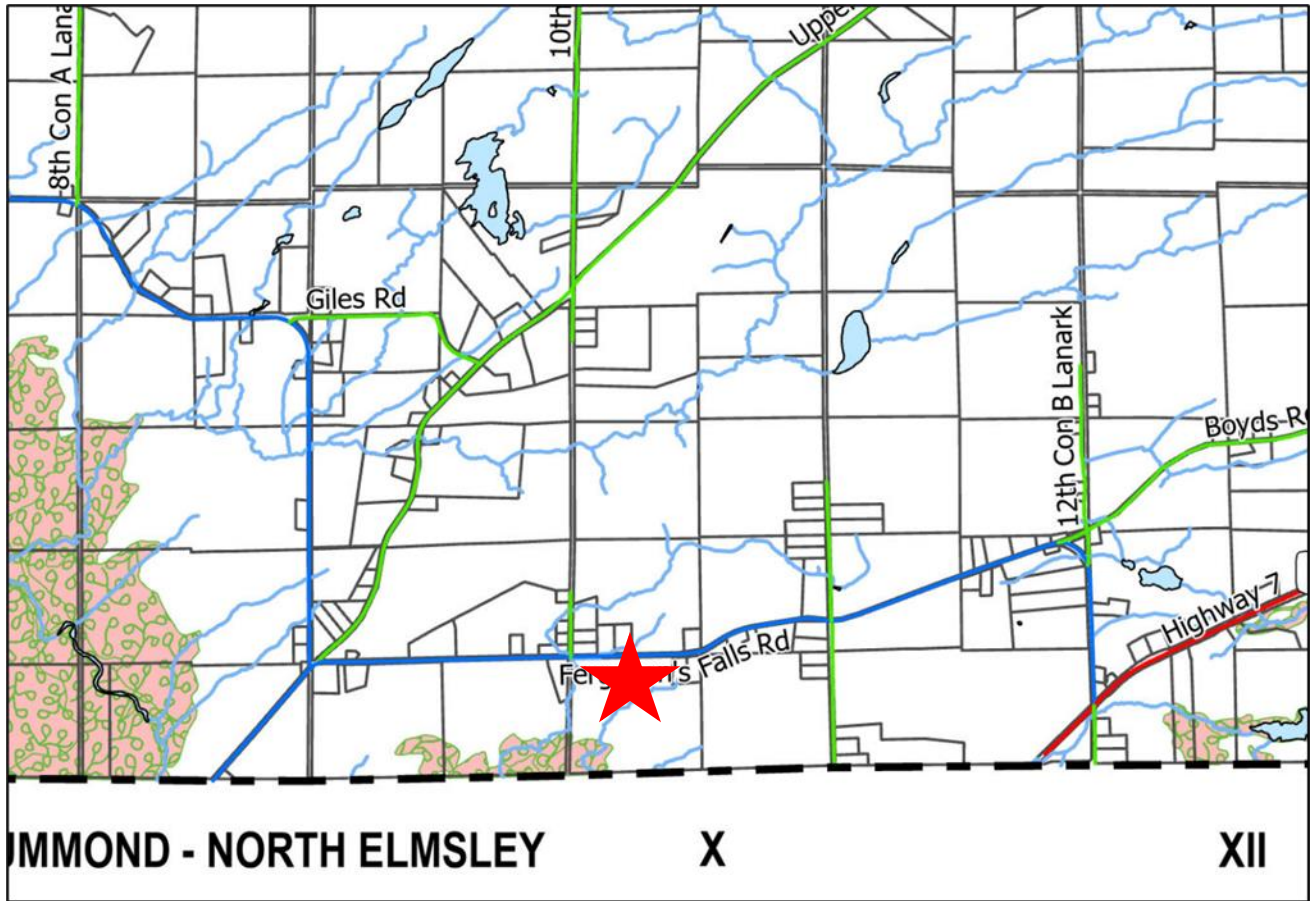
Appendix 'E': Applicant's Site Plan


Appendix 'F': Conditions of Consent

Appendix A Key Map

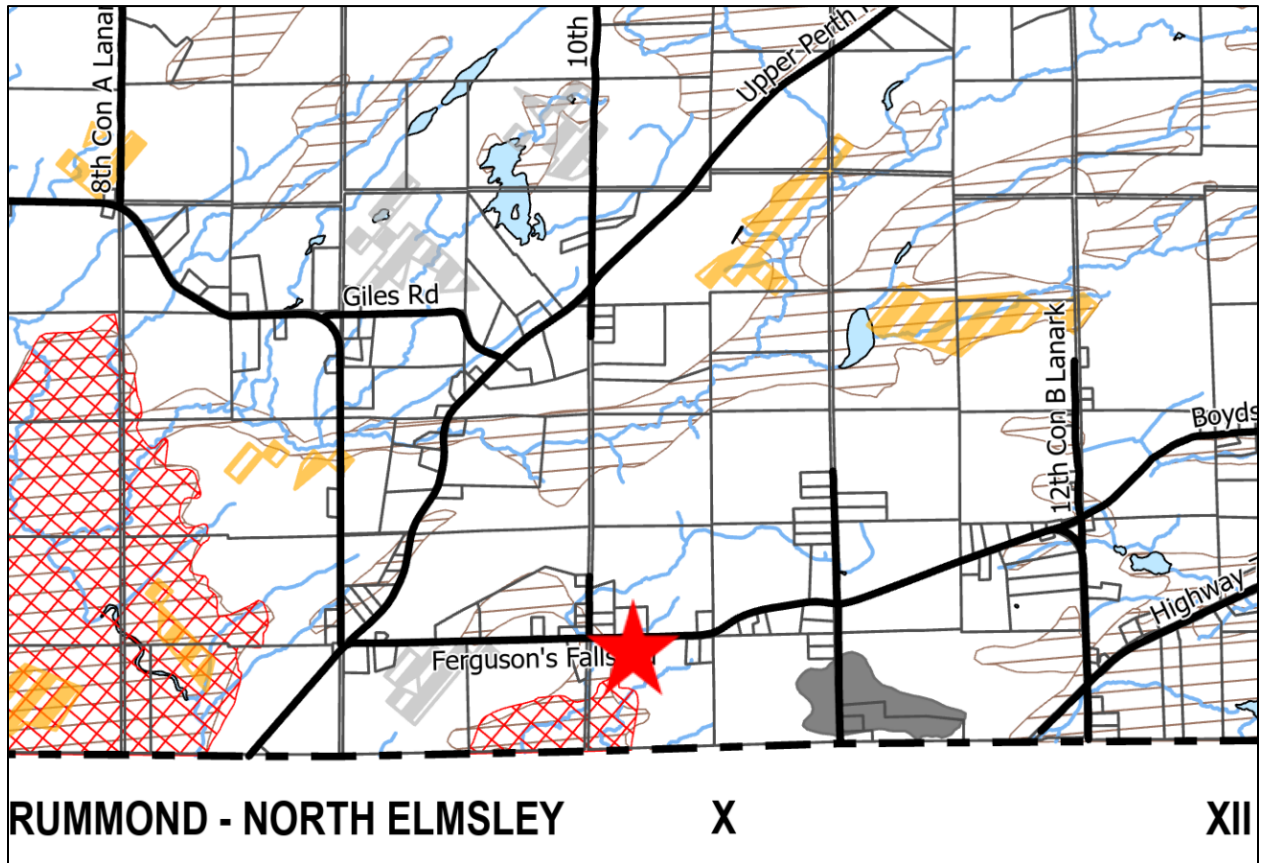



**Appendix B
Official Plan Schedule A**



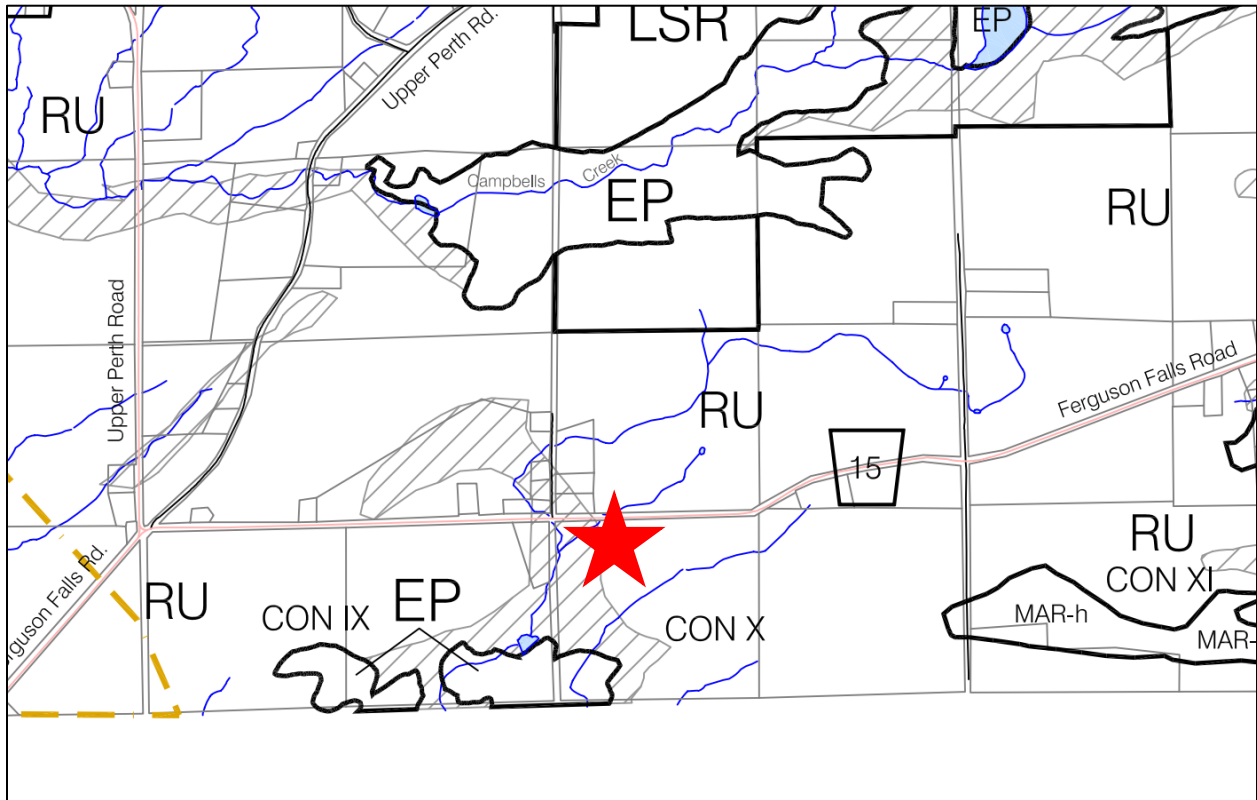
 Subject Land – Rural Communities designation


**Appendix C
Official Plan Schedule B**



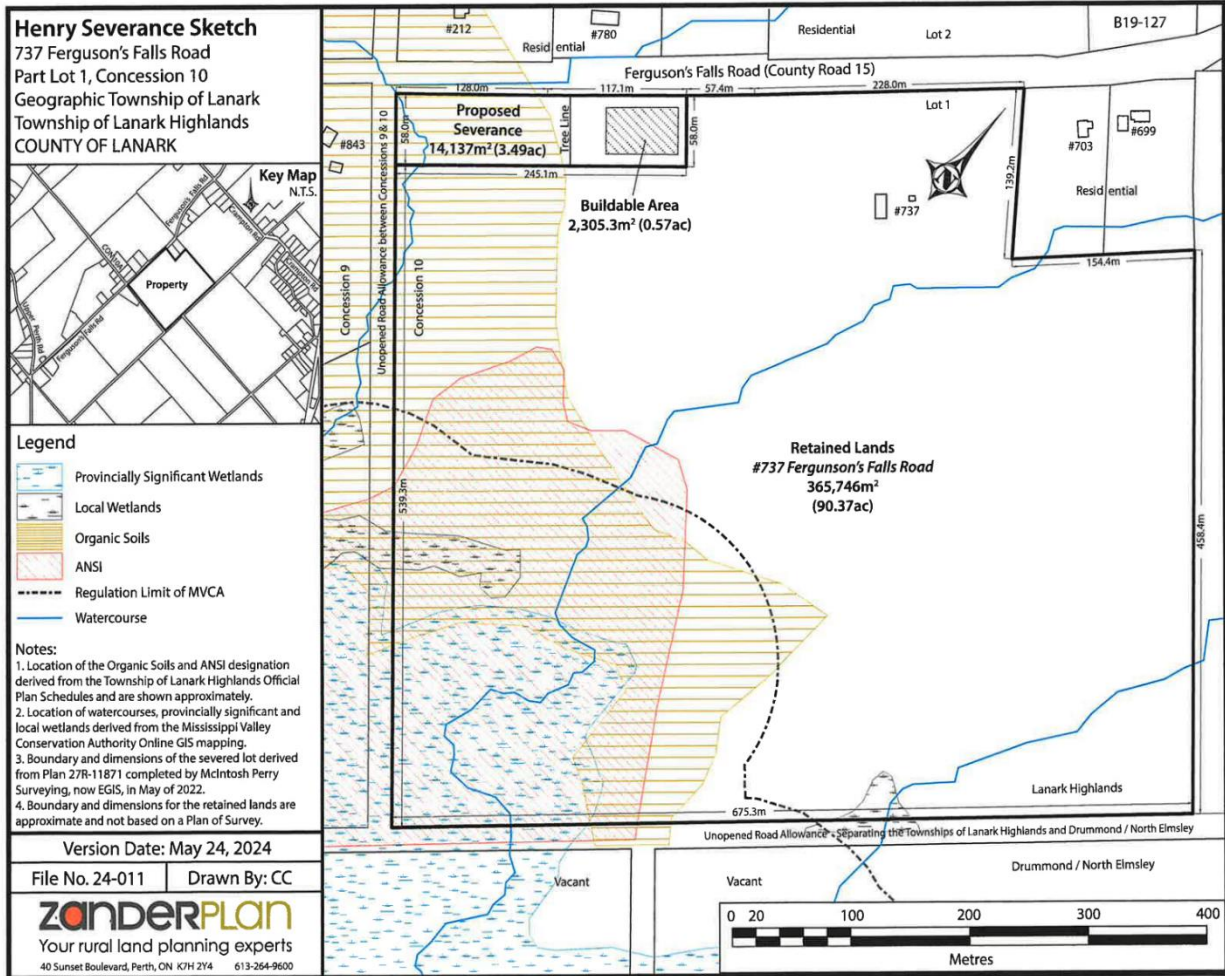
 Subject Land

Appendix D Zoning Schedule



 Subject Land: Rural (RU) & Environmental Protection (EP)

Appendix E Applicant's Site Plan



Appendix F
Conditions of Consent (B24-088)

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. *If required to implement recommendations from the hydrogeological assessment, that the applicant enter into a Development Agreement with the Township of Lanark Highlands, that will be registered on title, to ensure the orderly development of the land.*