



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

January 16th, 2024

Forbes Symon, Senior Planner

**Patterson/Rabb
Consent Application (Lanark County File No. B23/144)**

1. LOCATION AND DESCRIPTION

The subject property is located southwest of 1450 Kingston Line, and is described as N SHER CON 5 W PT LOT 3 and LOT 2, , geographic Township of North Sherbrooke, now in the Township of Lanark Highlands. The property is in the far southwestern corner of the Township, approximately 6.5 km south of the Hamlet of Elphin, abutting the Township of Central Frontenac. The property has frontage on the Kingston Line which is an open and maintained Township Road. The subject property totals approximately 87.6 ha (216 ac) in size and is currently occupied with a dwelling, barn and outbuildings on the retained (application indicates the property is vacant) (See the keymap in Appendix "A").

2. PROPOSED CONSENT

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

1. B23/144 – total lot area of 1.6 ha (3.95 ac) and lot frontage of 171 m (561.02 ft) on Kingston Line Road, a township-maintained road. The Lot is vacant and is intended to be a residential building lot.
2. Retained Lot – total lot area of 86 ha (212.50 ac) and 1267 m (4156.8 ft) of frontage on Kingston Line Road, a township-maintained road. The lot is vacant as per the application but appears to be occupied by a house, barn and several outbuildings based on the Assessment Role database.

The subject property is characterized as consisting of mixed bushes over much of the land with open fields and pasture lands. There does not appear to be any significant natural heritage features or natural hazard features identified on the lands to be severed.

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.

1.1.4.2 In Rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

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

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. 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 Official Plan

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 rough 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 from the landholding since April 1, 2003 (i.e. B2006-104), 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 given the size and location of the proposed lot.

The severed property is directly west of a 1 km mine hazard buffer but appears to be outside of the 1 km buffer and should not be impacted by this man-made hazard (confirmed by GIS). There also appears to be an area of unstable soil over a portion of the severed lot but there appears to be sufficient area outside of the unstable soil to allow for the orderly development of the severed parcel. The retained lands have an area of aggregate reserve deposit approximately 1.07 km (3510 ft) to the northeast of the severed lot, outside of the influence area of the deposit. The very southern extent of the retained lands is designated provincially significant wetland, approximately 201.77 m (662 ft) south of the proposed severed lot, outside of the buffer area of a PSW. It is determined that the severed lot is not impacted by any hazard features, natural heritage features or significant aggregate resources.

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), Mineral Aggregate Reserve – Holding (MAR-h) and Environmental Protection (EP). The RU zone applies to the Severed lot and it has been determined it is outside of the setback area from the EP and MAR-h zones. The Rural Zone permits several uses, including single detached dwellings.

The proposed severed and retained lots will comply with the zoning provisions of the Rural (RU) zone.

4. COMMENTS

There were no comments or concerns received at the time of the writing of this report. The Fire Chief indicated no concerns. The Manager of Public Works

indicated standard conditions for an entrance permit, assigning of a civic/911 number and road widening to 10 m on either side of the centreline of the road.

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

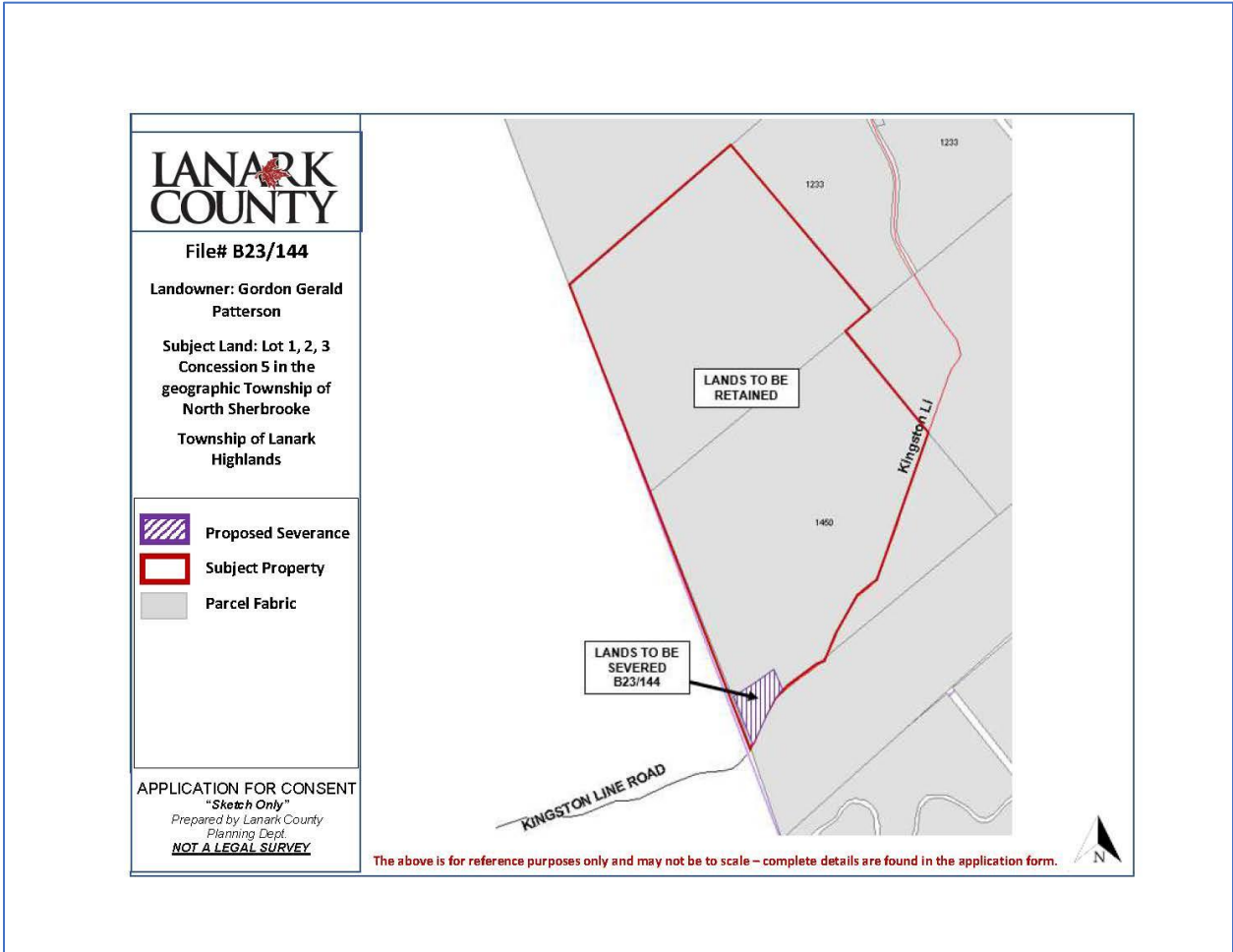
Appendix 'B': Official Plan Schedule

Appendix 'C': Zoning Schedule

Appendix 'D': Conditions of Consent

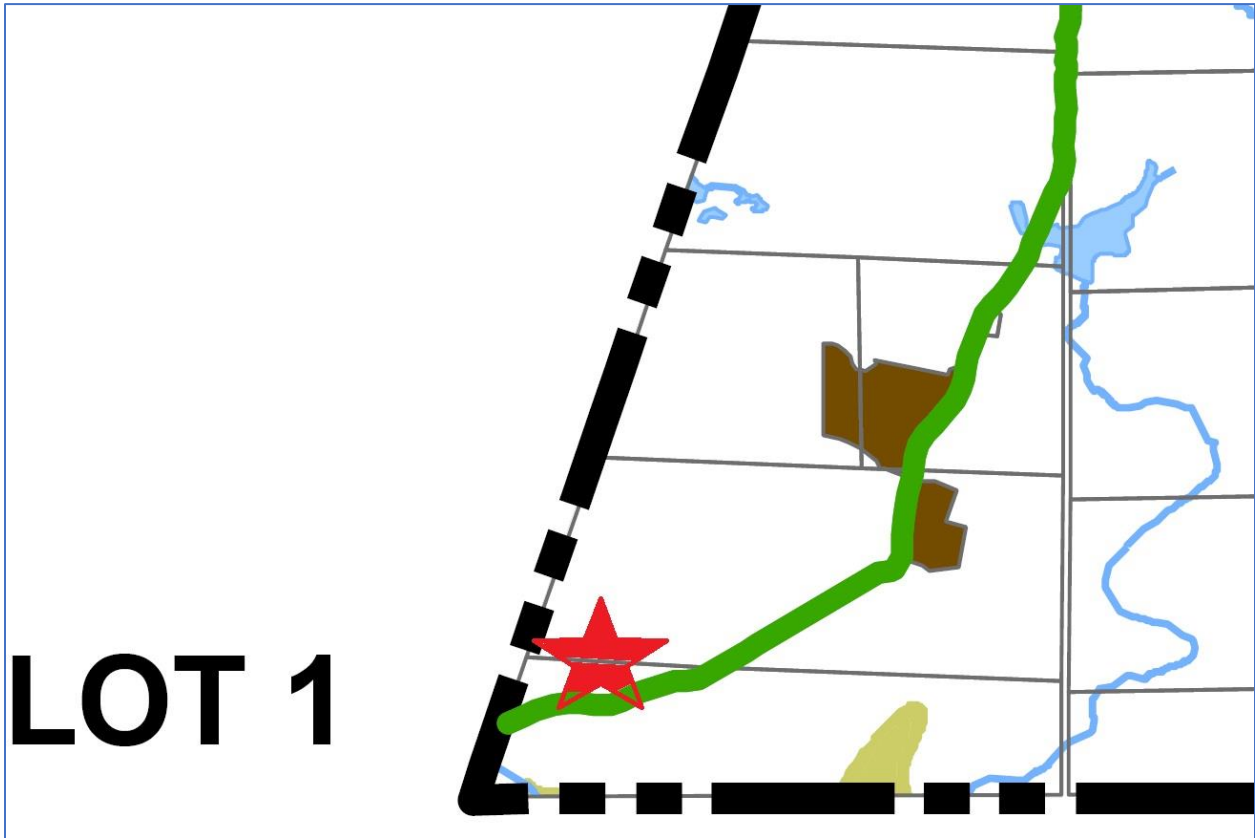
Appendix A

Key Map



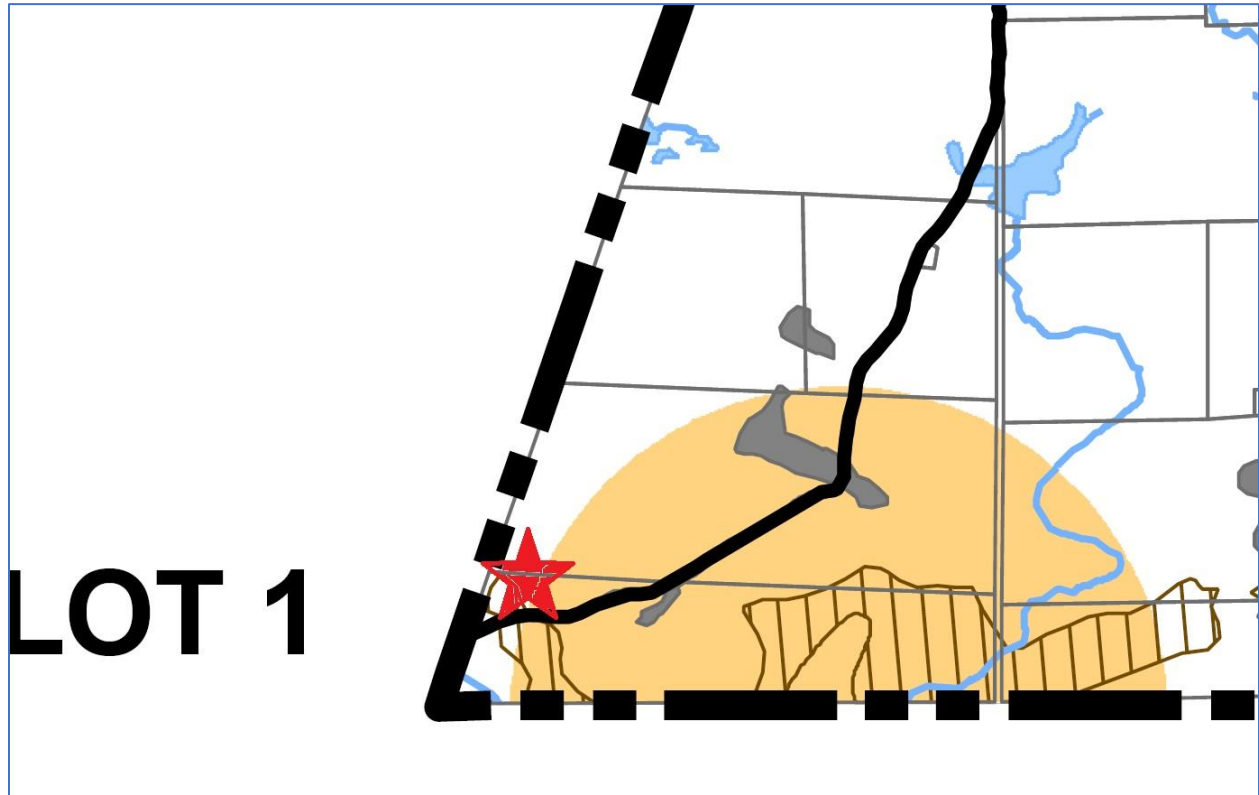
Appendix B

Official Plan Schedule A



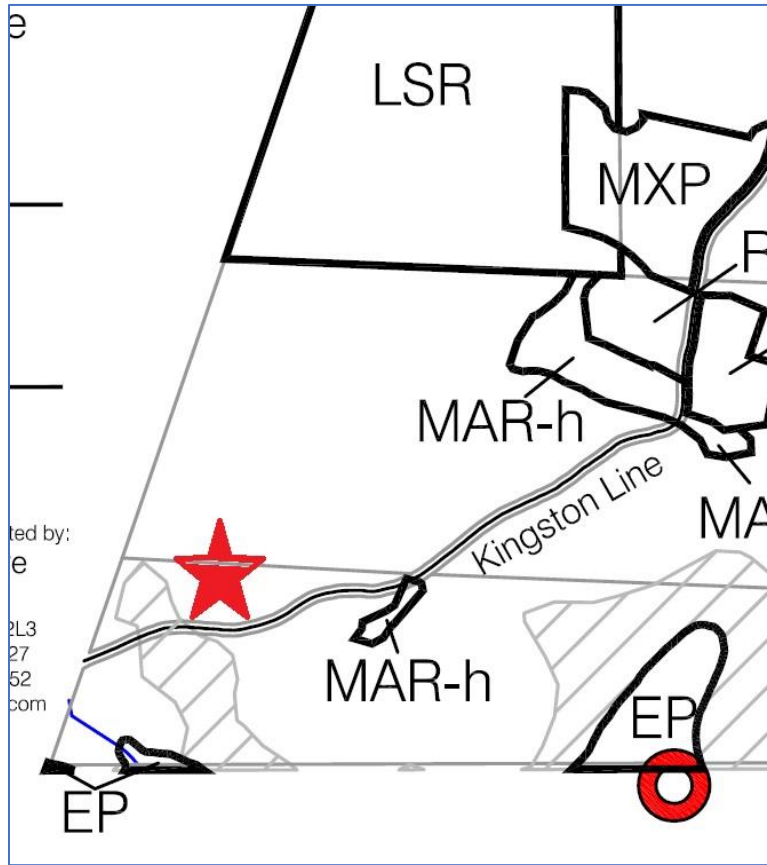
★ Subject Land – Rural Communities designation

Appendix B
Official Plan Schedule B



★ Subject Land

Appendix C
Zoning Schedule



★ Subject Land: Rural

Appendix D
Conditions of Consent (B23-144)

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, 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 retained lot. The applicant shall consult directly with the Township in this regard.*
6. *That the applicant shall confirm that residential entrance to the severed lot is viable and obtain any necessary entrance permits 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.*
8. *If required, 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.*