



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

May 22<sup>nd</sup>, 2024

Forbes Symon, Senior Planner

**David & Janice Brown  
Consent Application (Lanark County File No. B24/037)**

**1. LOCATION AND DESCRIPTION**

The subject property is located at Part Lot 14, Concession 10, geographic Township of Dalhousie, now in the Township of Lanark Highlands, municipally known as 635 North Shore Road. The property is a waterfront parcel located on the north side of Dalhousie Lake, approximately 16 km northwest of the Village of Lanark. The property has frontage on North Shore Road, both an open and maintained Township Road. The subject property totals approximately 2.36 ha (5.83 ac) in size and is currently occupied by a dwelling and garage on the retained (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. B24/037 – total lot area of 1.23 ha (3.03 ac) and road frontage of 191.7 m on North Shore 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 1.13 ha (2.76 ac) with 40.5 m of water frontage on Dalhousie Lake and 110 m of frontage on North Shore Road. The lot is occupied by a house and garage.

The subject property is a waterfront property on Dalhousie Lake, occupied by a residential dwelling. Surrounding land uses consist of similar seasonal waterfront properties towards the east and west, as well as a mix of forested areas and open fields north of the property.

### 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/ waterfront 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. The application conforms to the direction of the PPS.

#### 3.2 Official Plan

Schedule ‘A’ of the Official Plan designates the subject lands as “Waterfront Communities” which includes all lands within 150 m of any lake and associated lands. Section 3.1.2 sets out the Waterfront Communities’ objectives which include the following:

*3.1.2.1 1. To protect the visual qualities of the lakes and rivers and to protect or enhance the natural shoreline character.*

*2. To protect wetlands, wildlife habitat areas and fish habitat from incompatible development.*

*3. To maintain or improve the ecological, scenic or recreational character of the Township’s lakes and rivers and those lands that are visually connected to the shoreline.*

4. *To ensure that shoreline development does not have an adverse impact on the quality of lake water and, wherever possible, to rehabilitate and naturalize shoreline areas that are currently developed.*
5. *To encourage an increased awareness of the sensitivity of the environment and environmental stewardship of lands in the Waterfront Communities.*
6. *To ensure that development, redevelopment and the increasing use of shoreline properties do not result in additional environmental impacts or increase municipal servicing costs.*
7. *To promote the maintenance and enhancement of native vegetation buffer areas in all shoreline areas of the Township.*
8. *To promote the use of septic systems and tile beds that utilize phosphorous-retaining soils. To encourage and support the development of lake management plans that identify and protect the unique social, cultural and ecological values of different lakes in the Township.*
9. *To protect areas of archaeological potential.*
10. *To preserve the dark sky through sensitive lighting design and installation.”*

The surrounding lands consist of waterfront properties on Dalhousie Lake. There appears to be an influence area of deer yard and floodplain in Schedule 'B' of the Official Plan over the retained lands and a portion of the severed lands. An EIS is required for submission given the location of the proposed lot in proximity to Dalhousie Lake.

*3.1.4.3 New residential development in the Waterfront Area shall occur on separate lots. Where the environmental conditions are well suited to development, new lots shall have at least 60.0 metres (196 feet) of shoreline frontage and a minimum lot area of 0.8 hectares (1.9 acres). Larger lots may be required in areas where environmental or physical constraints exist on the lands.*

It is recognized that both the retained and proposed severed parcel meet the minimum lot area requirement of 0.8 hectares. The proposed severed lot is classified as 'backlot development' as it would not have shoreline frontage on Dalhousie Lake, and rather be located behind the existing waterfront lots. Policies of Section 3.1.4.8 of the Official Plan apply in this instance.

*3.1.4.8 In limited circumstances, backlot development may only be permitted where it is demonstrated to the satisfaction of Council that the abutting waterbody and watershed can sustain the impact associated with the additional lot(s). This shall include the submission of supporting technical studies including Hydrogeological reports, servicing options studies, stormwater management plans, lake capacity studies and lake management plans. Such development will only be permitted on a year-round publicly maintained road. All backlot*

*development shall have a maximum density of 1.25 units per gross hectare and shall be subject to Site Plan Control.*

A Hydrogeological report has been submitted in support of the application based on the proposed size and location of the severed lot. Provided that the Hydrogeological report concurrently assessed servicing options, a separate servicing options report was not required.

The Hydrogeological report concluded that sufficient groundwater supply is anticipated and available to service the proposed severed lot and accommodate a future residential dwelling, subject to adhering to the recommendations throughout the report. A development agreement is listed as a condition of consent approval and will ensure proper implementation of the Hydrogeological study recommendations. The retained and proposed severed lot will conform to the criteria listed in section 3.1.4.8 provided that the recommended conditions of consent are approved.

*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.

*8.5.3.4 Areas of archaeological potential are determined through the use of provincial screening criteria or criteria developed based on the known archaeological record within the Township. Such criteria include features such as proximity to water such as current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement. All lands within 300 metres (984 feet) of any shoreline and/or area of archaeological potential are subject to a Phase I Archeological Review prepared by a licensed archaeologist. Subject to the review of the Phase I study the applicant may be requested to undertake further investigations if it is recommended in the Phase 1 report.*

Given the proximity of the subject property and the proposed severed lot to Dalhousie Lake (i.e. 60 m), the applicants were required to submit an Archaeological Assessment. Staff have reviewed the report for the stage 1 & 2 Archeological Assessment which concluded that the lands to be severed require no further archaeological study and that there is no indication of archaeological remains with cultural heritage values or interest.

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 Lakeshore Development (LD). The LD zone establishes a minimum lot area of 0.5 ha (1 ac) and a minimum lot frontage of 50 m. The LD Zone permits several uses, including single detached dwellings. The severed lands will have sufficient frontage, depth and area to meet the requirements of the Zoning By-law. The existing shoreline frontage on the retained lands will remain as existing and the new lot area as a result of the severance will meet the minimum lot area requirements. The proposed severance is deemed to comply with the Township's Zoning By-law.

#### **4. COMMENTS**

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

#### **5. CONCLUSIONS**

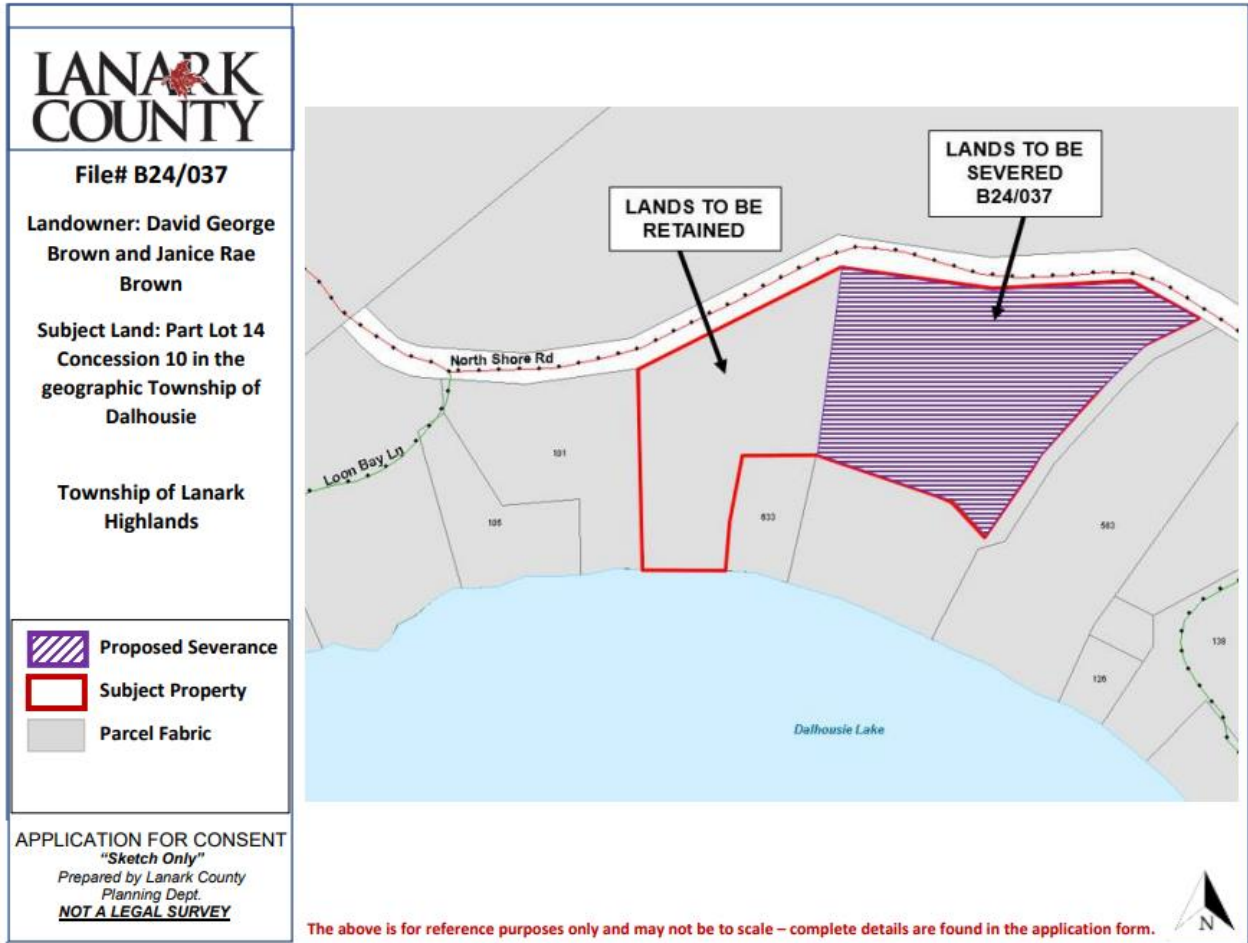
Based on the foregoing, it is concluded that the proposed consent is consistent with the PPS and conforms to the Township's Official Plan and Zoning By-Law, provided that the recommended conditions of consent are approved.

#### **Attachments:**

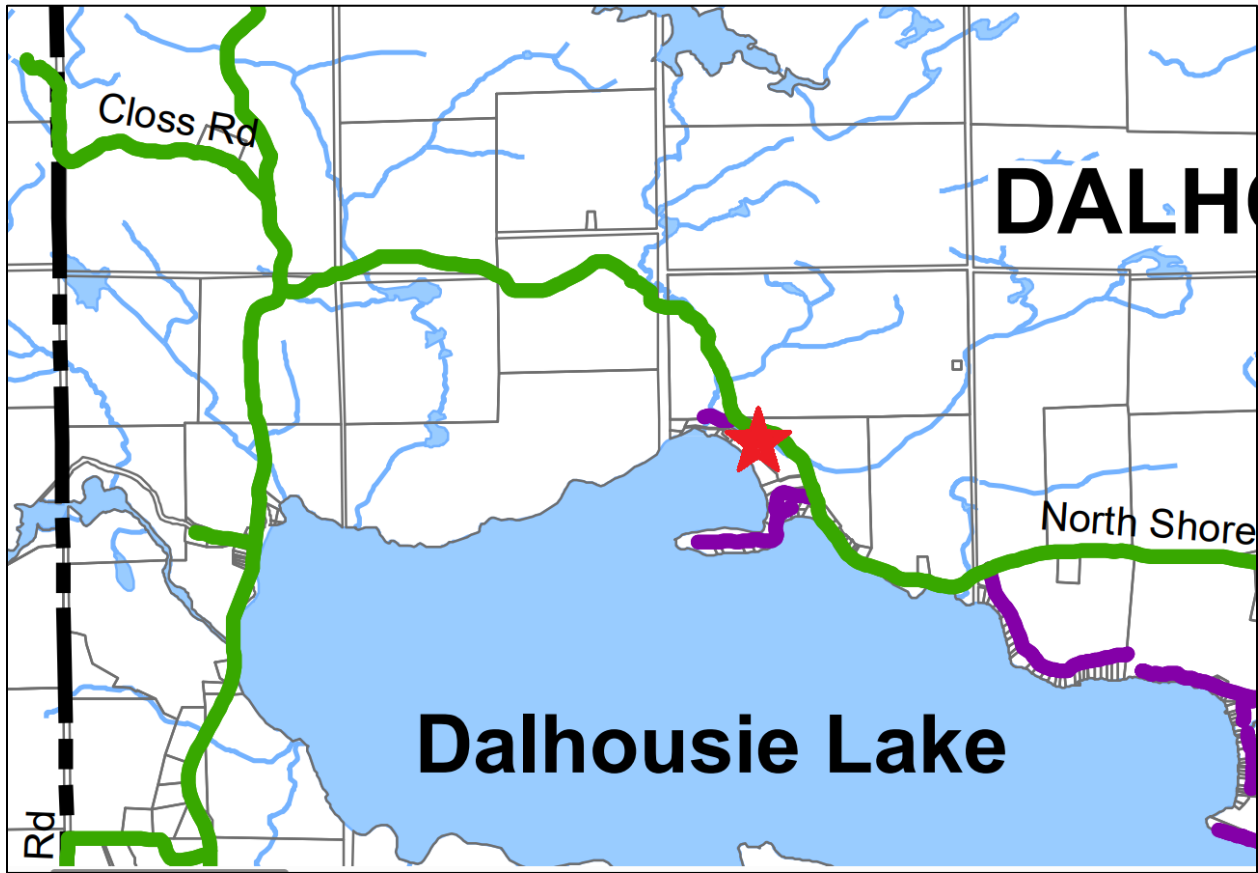
- Appendix 'A': Key Map
- Appendix 'B': Official Plan Schedule A
- Appendix 'C': Official Plan Schedule B
- Appendix 'D': Zoning Schedule
- Appendix 'E': Conditions of Consent

# Appendix A

## Key Map

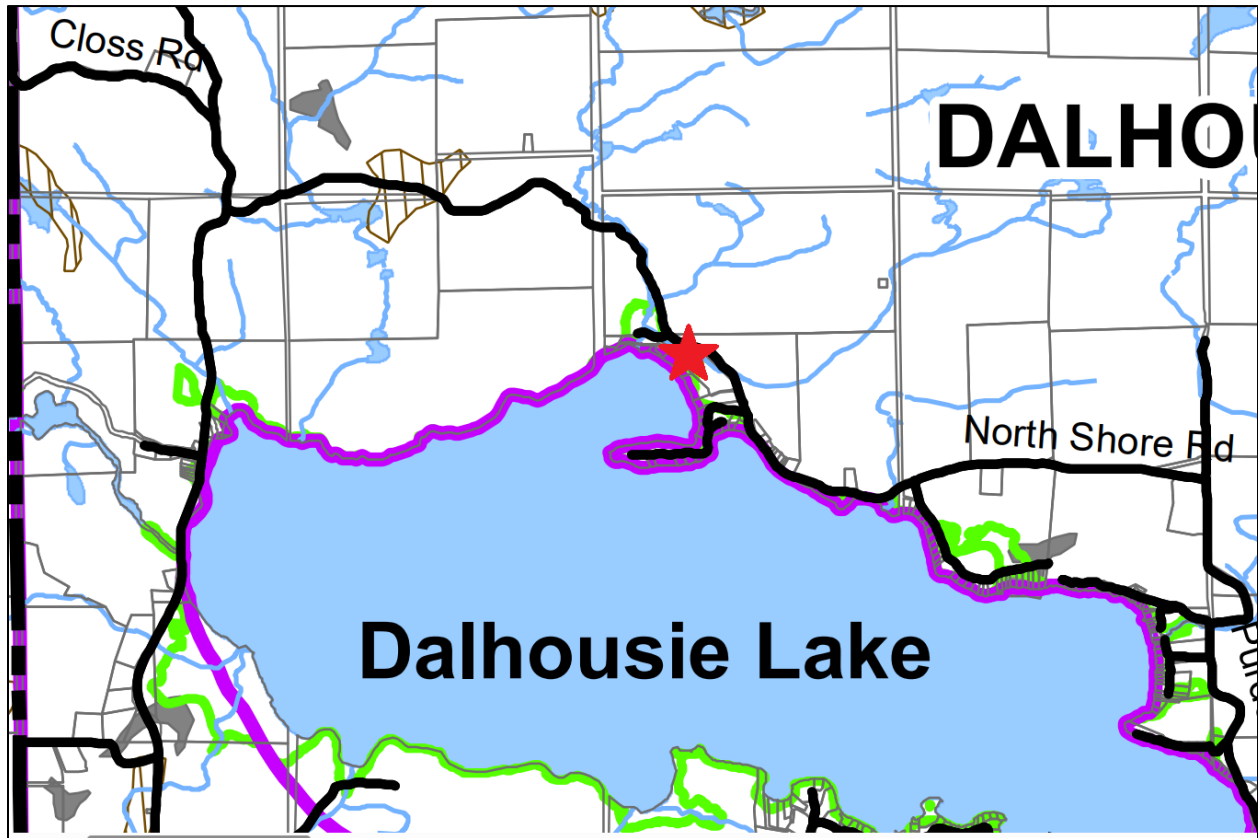


**Appendix B**  
**Official Plan Schedule A**



 Subject Land – Waterfront Communities designation

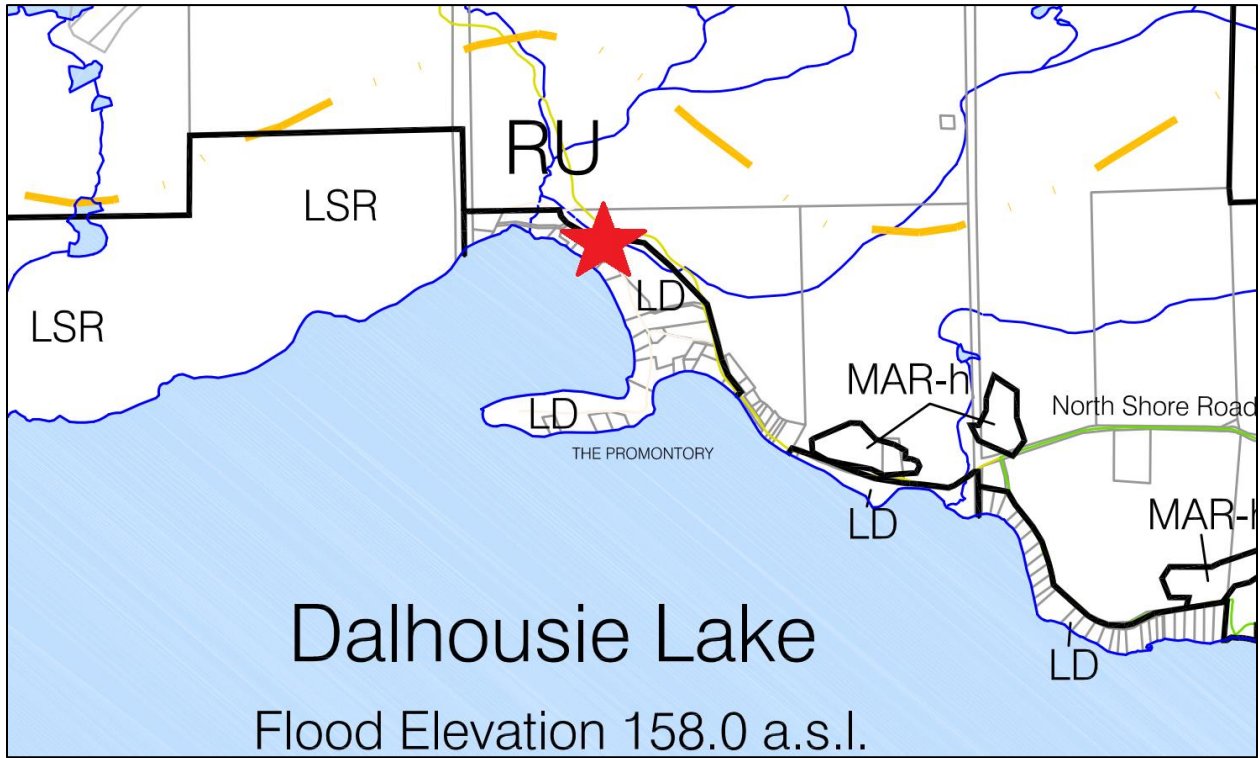
Appendix C  
Official Plan Schedule B



★ Subject Land



**Appendix D  
Zoning Schedule**



Subject Land: Lakeshore Development (LD) Zone

**Appendix E**  
**Conditions of Consent (B24-037)**

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 \$600, 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 confirm that residential entrance to the severed lot is viable and obtain any necessary entrance permits from the Township.*
6. *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.*
7. *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.*