



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

September 25, 2024

Forbes Symon, Planning Consultant

**Blackburn
Consent Application (Lanark County File No. B24/092)**

1. LOCATION AND DESCRIPTION

The subject property is located at East Part Lot 18, Concession 6, geographic Township of Lanark, now in the Township of Lanark Highlands, locally known as 2087 Galbraith Road. The property is located approximately 0.25 km north of the Hamlet of Middleville. The property has frontage on Darling Road and Galbraith Road, both being open and maintained Township Roads. The subject property totals approximately 9 ha (22.2 ac) in size and is currently occupied by a house, barn and several outbuildings (Keymap Appendix "A").

2. PROPOSED CONSENT

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

1. B24/092 – total lot area of approximately 6 ha (14.8 ac) and lot frontage of 410 m (1,345 ft) on Galbraith Road and 400 m (1,312 ft) on Darling Road, both being open and maintained township roads. The lot is intended to be a residential building lot.
2. Retained Lot – total lot area of approximately 3 ha (7.41 ac) and 210 m (1,579.3 ft) of frontage on Galbraith Road, a township-maintained road. The lot is occupied by a single detached dwelling on private services.

The surrounding area is characterized as consisting of mixed bush, open pastureland along Darling Road, and rural residential development in the surrounding area. There is a small pocket of mineral aggregate reserve located to the east of the property along Darling Road. Save and except for the aggregate deposit, which has been subject to a Mineral Resources Impact Assessment (MRIA); the lands do not appear to be impacted by any significant natural heritage or features or natural hazards.

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. 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 forested lands and cultivated agricultural fields, with scattered residential lots. 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. Therefore, the proposed severance conforms with the Official Plan.

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.

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.

4.1.4 *Potential pit and quarry resources are identified as Mineral Aggregate Reserve on Schedule B – Development Constraints as a constraint overlay. It is the intent of this Plan 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.*

4.1.4.1 Residential and other sensitive land uses shall not be located within 300 metres of areas intended or used for a licensed pit operation or within 500 metres of areas intended or used for a licensed quarry operation unless it can be demonstrated, in accordance with Section 4.1.4 that such uses will not preclude or hinder existing and future extractive operations.

As noted, there is a small pocket of mineral aggregate reserve located on the lands proposed for severance and to the east of the property along Darling Road. The applicant has submitted a Mineral Resources Impact Assessment (MRIA) in support of the proposed severance, which concluded that the development of a future pit would not be feasible on the subject lands.

8.4.8 Minimum Distance Separation Calculation (MDS)

All development 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 an approval of planning applications.

The applicant has submitted an MDS calculation report for the barn structure located on the retained lands in support of the subject proposal. The calculation report concluded that the proposed severed lot would have sufficient area outside of the MDS arc to construct a dwelling.

Applications for consent must be evaluated with the policy directives of Section 8.4.2, which provides directions 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 "Mineral Aggregate Resources Reserve-holding (MAR-h)".

Section 4.32.3 (b), Pit and Quarry setbacks, require that new development be setback a minimum of 150 m from lands zoned "Mineral Aggregate Reserve (MAR)". As noted, the submitted a Mineral Aggregate Impact Assessment (MAIA) which supports the proposed severance. The proposed severed lot would have room to locate a dwelling and septic system outside of the required 150 m setback from the MAR-h zone. Should the applicant wish to construct within the 150 m setback a zoning by-law amendment would be required.

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) 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 Manager of Public Works has requested the standard entrance (with adequate sight lines), civic address and road widening conditions be applied.

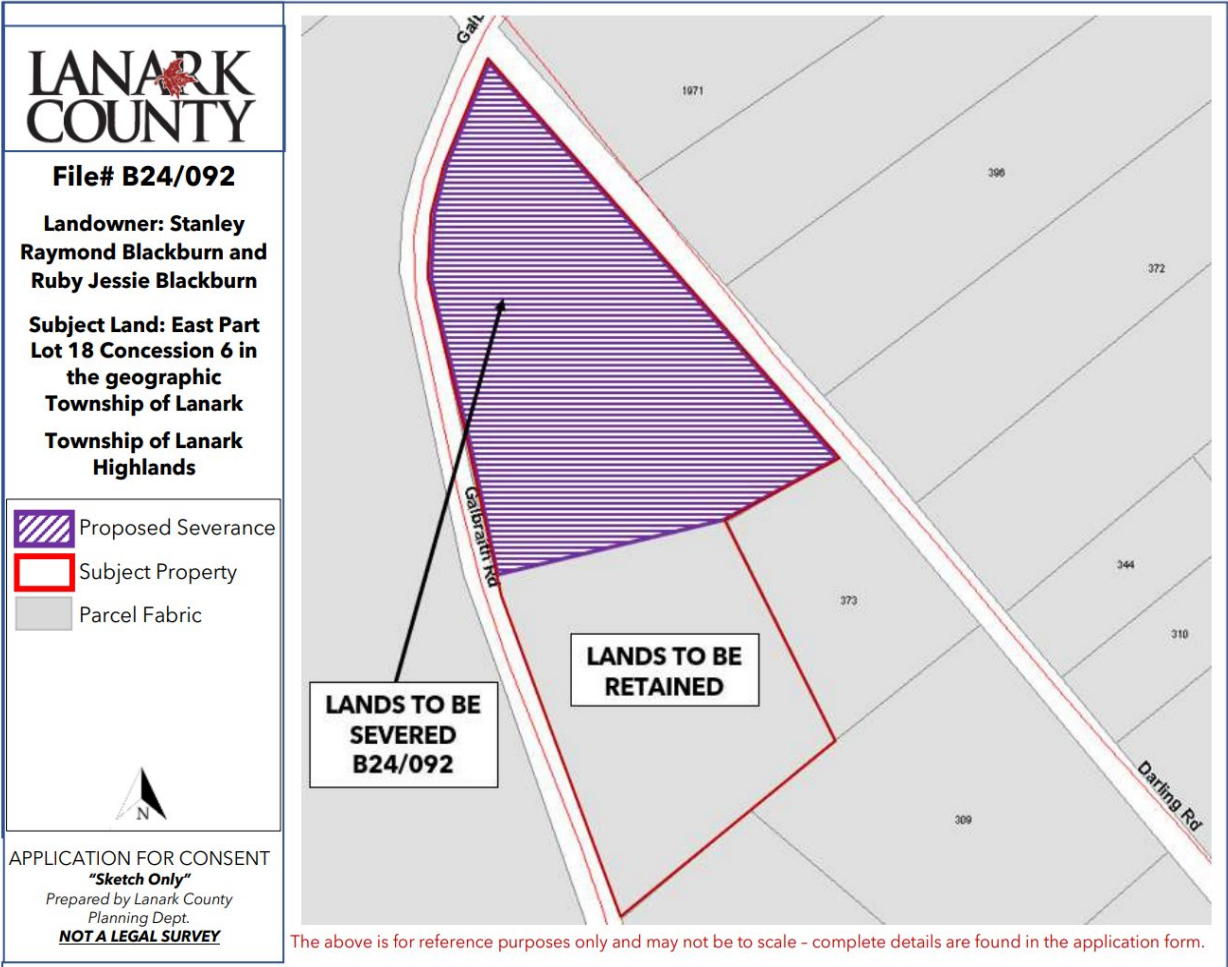
5. CONCLUSIONS

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 and Zoning By-Law, provided that the recommended conditions of consent are approved.

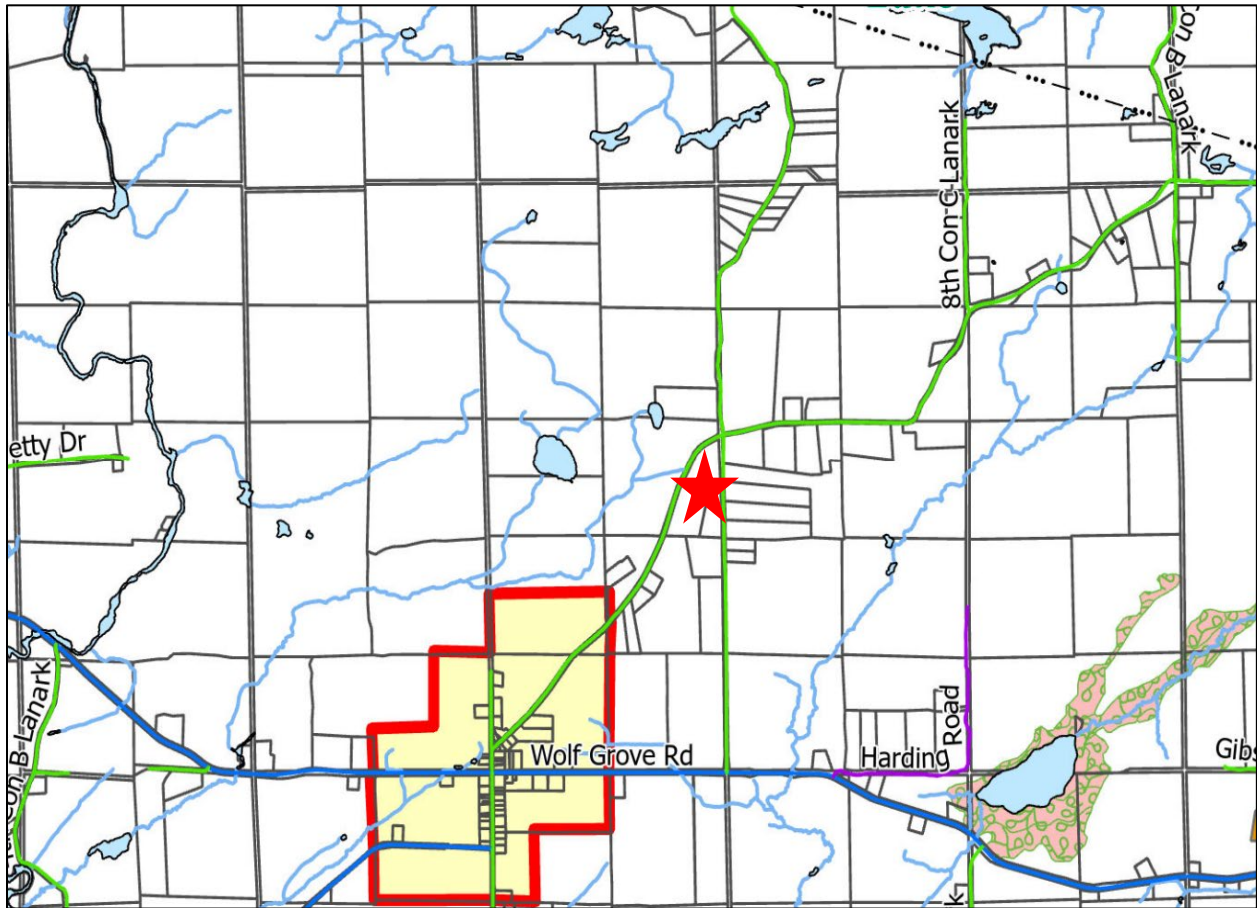
Attachments:


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

**Appendix A
Key Map**

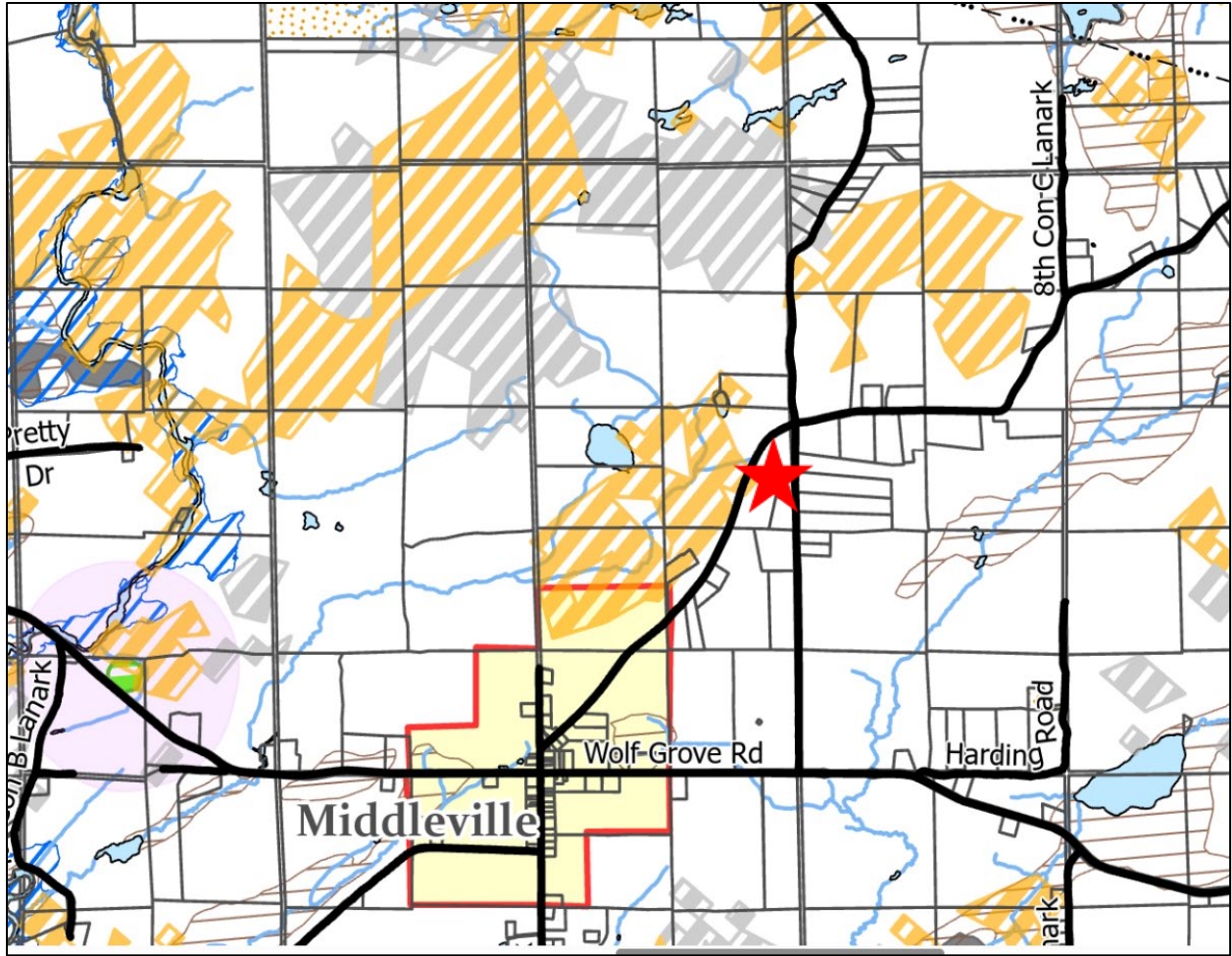



Appendix B
Official Plan Schedule A



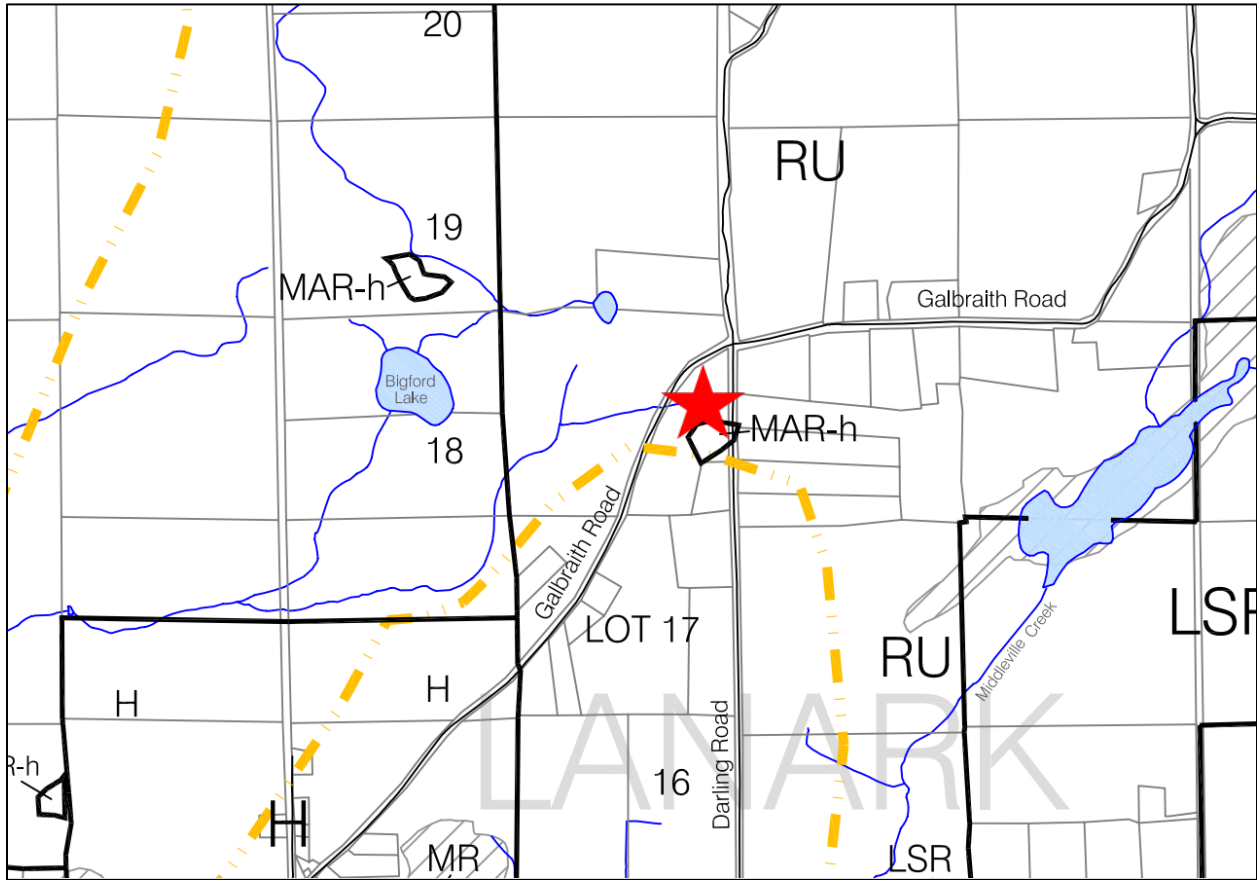
 Subject Land – Rural Communities designation


**Appendix C
Official Plan Schedule B**



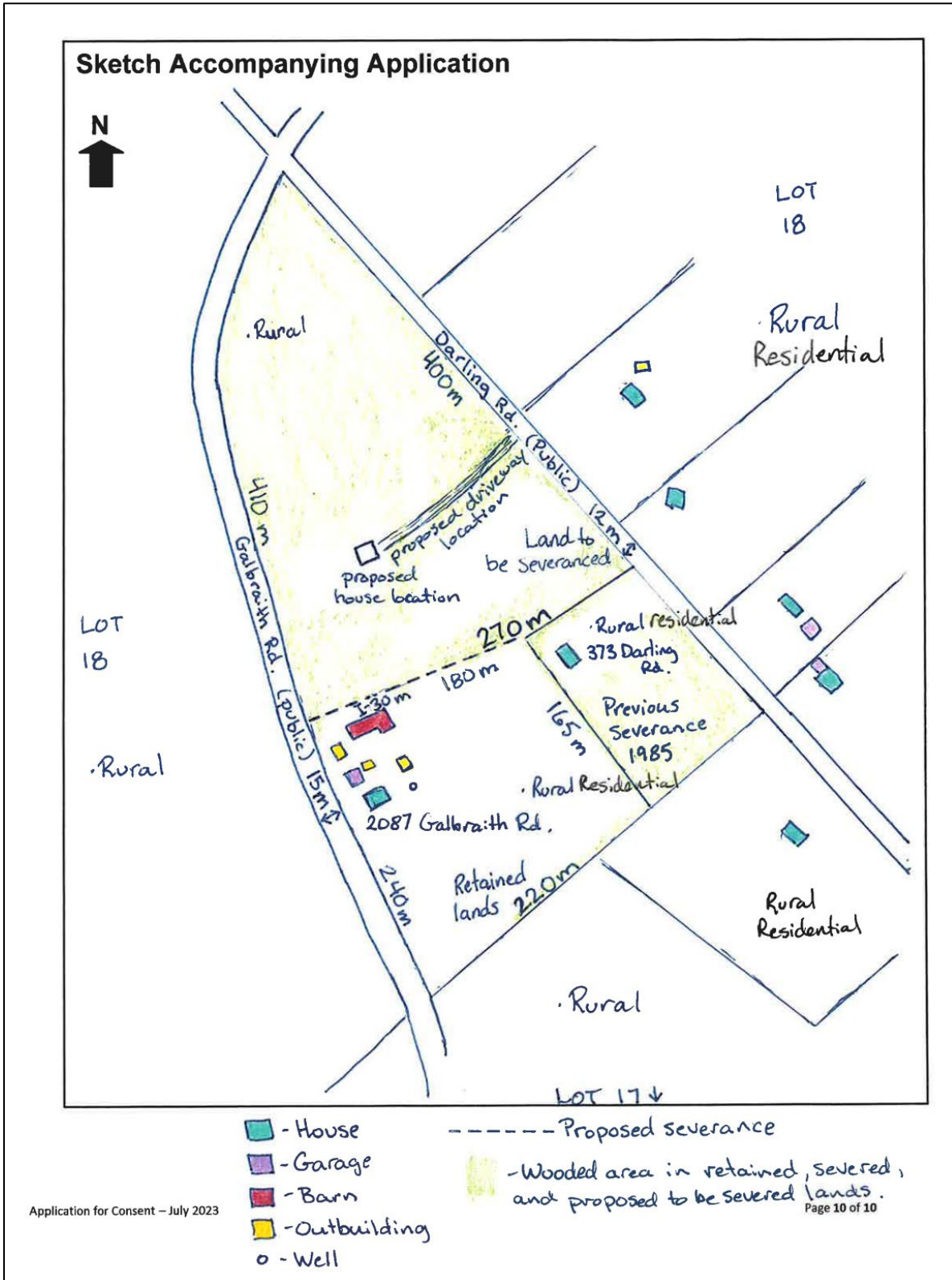
 Subject Land

Appendix D Zoning Schedule



 Subject Land: Rural (RU) & Mineral Aggregate Resources Reserve-holding (MAR-h)

Appendix E Applicant's Site Plan



Appendix F
Conditions of Consent (B24-092)

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. *That the applicant shall obtain a Civic Address Number from the Township of Lanark Highlands for the severed lot and provide any traffic signs deemed necessary by the Township. 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 and install any necessary safety signage from the Township.*
7. *If required, sufficient lands be deeded to the Township of Lanark Highlands along the frontage of the severed lot 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.*