



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

December 12<sup>th</sup>, 2023

Forbes Symon, Planning Consultant

**Lanthier/Cabana  
Consent Application (Lanark County File No. B20/122)**

**1. LOCATION AND DESCRIPTION**

The subject property is located at Part of Lot 6, Concession 4, geographic Township of Dalhousie, now in the Township of Lanark Highlands, municipally known as 954 Sheridan Rapids Road. The property is approximately 6.4 kilometres west of the Village of Lanark. The property has frontage on the 5th Concession A of Dalhousie, being an open and maintained Township Road. The property is also accessed from a private lane extending to Sheridan Rapids Road, which is an open and maintained Township Road. The subject property totals approximately 42.4 ha (104.78 ac) in size. The application for consent indicates the property is currently occupied by houses and outbuildings as well as a hunt camp. (Keymap Appendix "A").

**2. PROPOSED CONSENT**

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

1. B20/122 – total lot area of 21.4 ha (52.9 ac) and lot frontage of 212 m (696 ft) on the 5th Concession B of Dalhousie, an open and maintained township road. The Lot is occupied by a hunting camp and is intended to remain as a recreational property or be developed as a residential building lot.
1. Retained Lot – total lot area of 21.0 ha (51.9 ac) and is accessed from a private lane extending to Sheridan Rapids Road. The retained parcel does not have frontage on an open-maintained Township Road. The lot is occupied by an existing single detached dwelling and outbuildings and is commonly known as 954 Sheridan Rapids Road.

The subject property is characterized as consisting of mixed bushes and is dominated by a large wetland feature located in the middle of the property, essentially separating the severed and retained properties. Land in the area is similar but also includes farm

fields on the lands fronting Sheridan Rapids Road. There does not appear to have been previous severances from the subject lands.

### **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. The wetland features have been subject to an EIS which has been peer-reviewed by the MVCA indicating that there is a small but sufficient building envelope on the severed parcel outside of the wetland feature which can support a future dwelling and septic system. The severed parcel will have frontage on a Township maintained road and will be developed on private services. The retained parcel will continue to be accessed via a private lane extending to Sheridan Rapids Road.

#### **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 bush and wetland. 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. The EIS in support of the application indicates the severed parcel could be developed with a dwelling and septic system outside of the wetland feature. A development agreement will be required to be registered on the title of the property outlining the terms and conditions for development of the severed parcel and as detailed in the EIS.

The lands are also identified on Schedule B as potentially containing unstable soils and future development may require the support of a geotechnical assessment to demonstrate that suitable soils for residential development exist. A notice should be included in the development agreement registered on the title of the property related to this feature.

*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.

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.

It should be noted that this application is a legacy file and was deferred to allow for the preparation of an EIS. Since the time of consultation with this application, Council has clarified its policies regarding the need for new lots to have frontage on opened and maintained roads. The retained parcel will not have frontage on an open and maintained road but the dwelling which was constructed in 2006 is accessed via a private lane extending to Sheridan Rapids Road. This does not technically comply with the current direction of Council but given the legacy nature of the property, it is deemed to be in general conformity with the Official Plan given that the dwelling exists and was permitted to be constructed via the private lane. It will be required as a condition of

consent that the retained parcel be rezoned to Limited Service Rural (LSR) to reflect the lack of frontage on an open and maintained road. In addition, it is unclear that the lane is located entirely on the unopened road allowance. It will be a condition of consent for the retained parcel that the lane be located entirely on the unopened road allowance and that this be confirmed by survey. Finally, there will be a need for the retained parcel to enter into a private lane agreement with the Township governing the use of the unopened road allowance to be registered on the title of the retained lands.

### **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 parcel 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. The retained lands will not have frontage on an open and maintained road and it will be necessary to have a condition of consent that the retained lands be rezoned and placed in the Limited Service Residential (LSR) zone.

The Zoning By-law also identifies the lands as potentially being unstable soils and would trigger the need for geotechnical assessment to determine soils suitable for residential construction. This feature should also be noted in a future development agreement to be registered on the title as a condition of consent.

## **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 generally 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

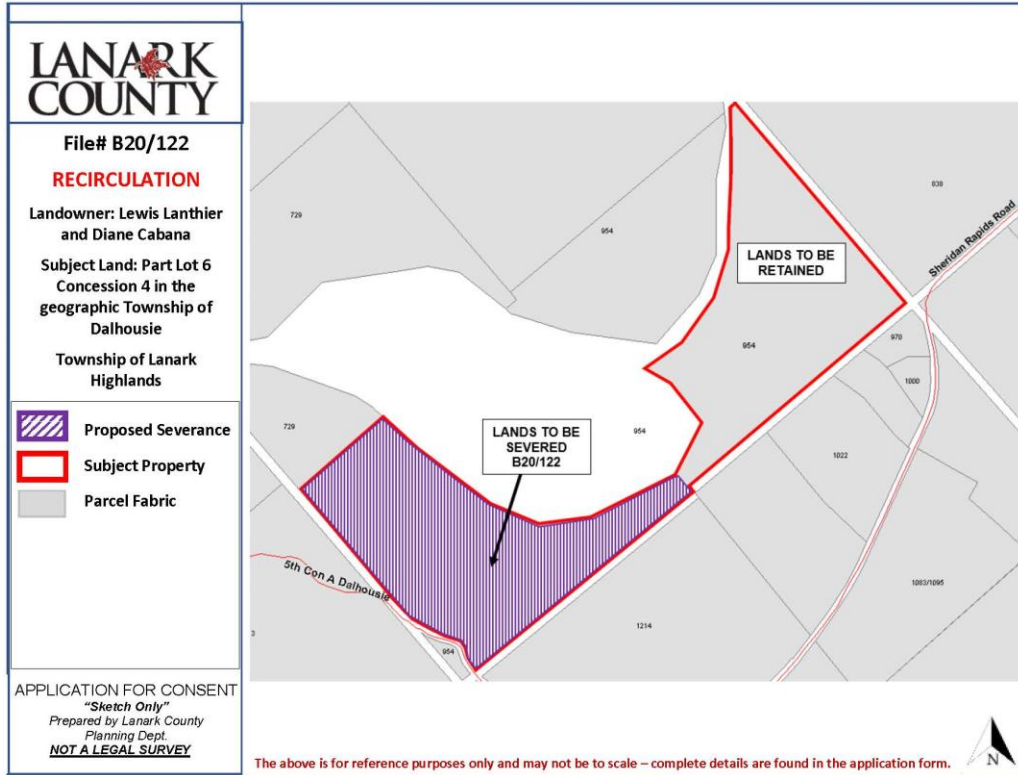
Appendix 'B': Official Plan Schedule

Appendix 'C': Zoning Schedule

Appendix 'D': Conditions of Consent

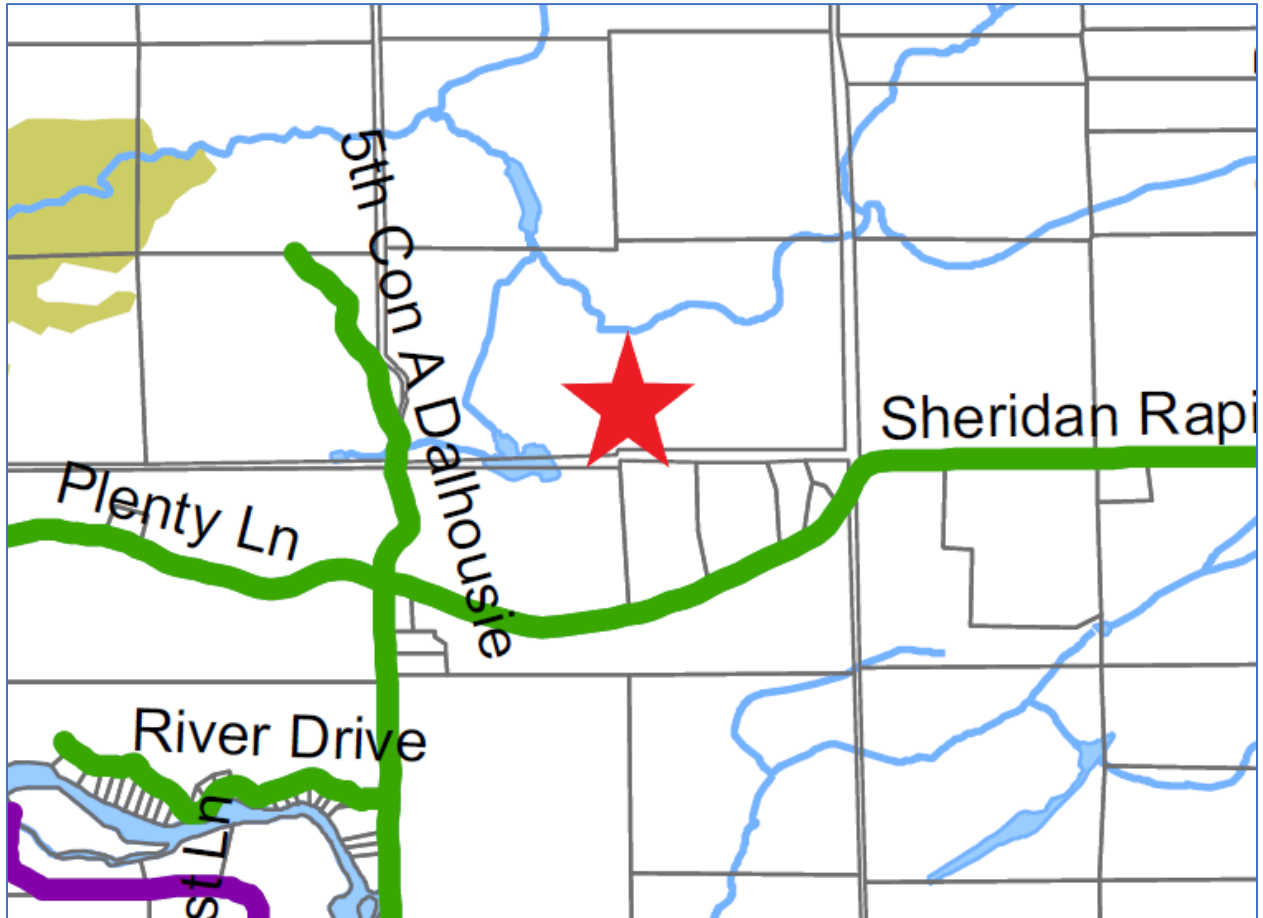
# Appendix A

## Key Map



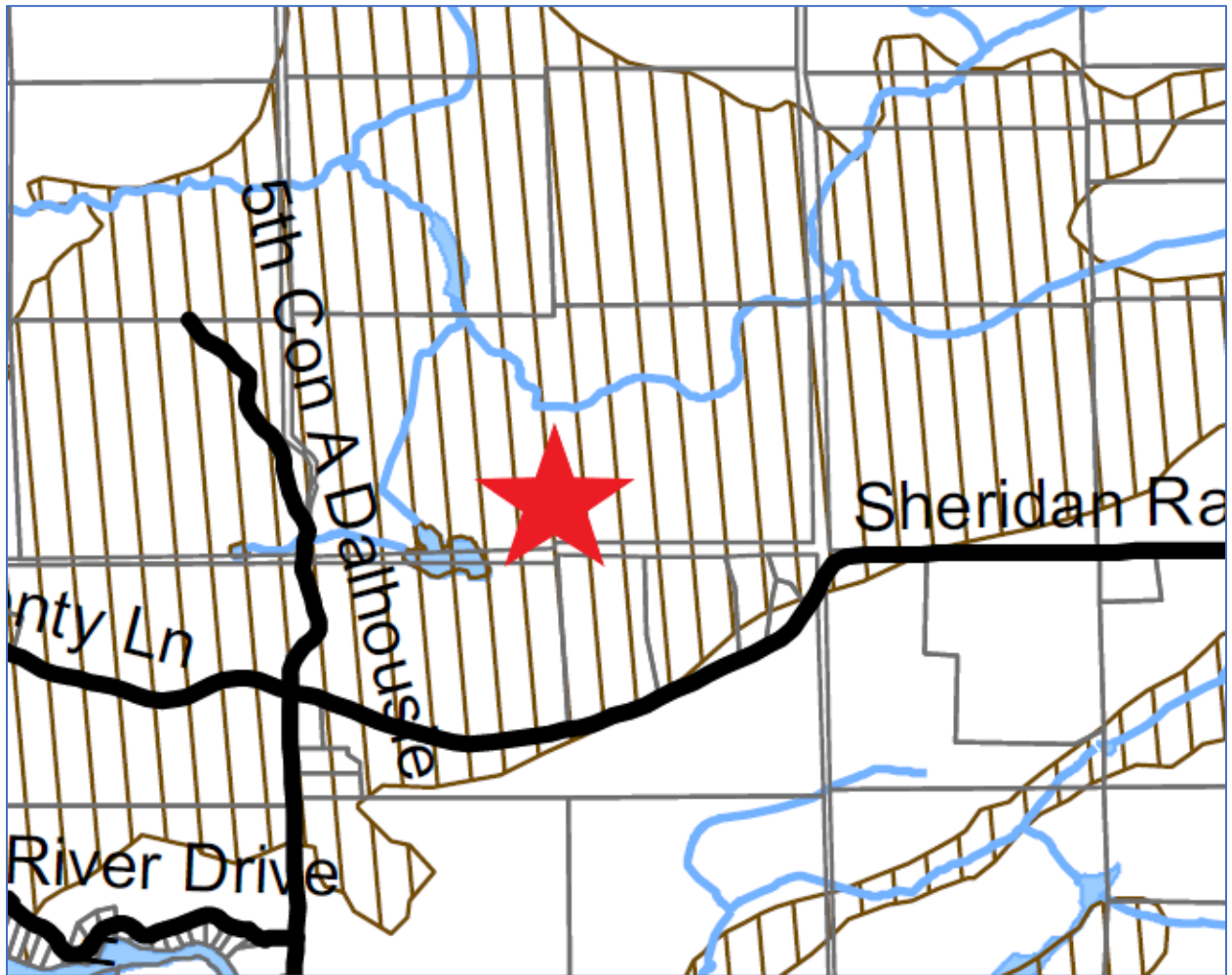
Appendix B

Official Plan Schedule A



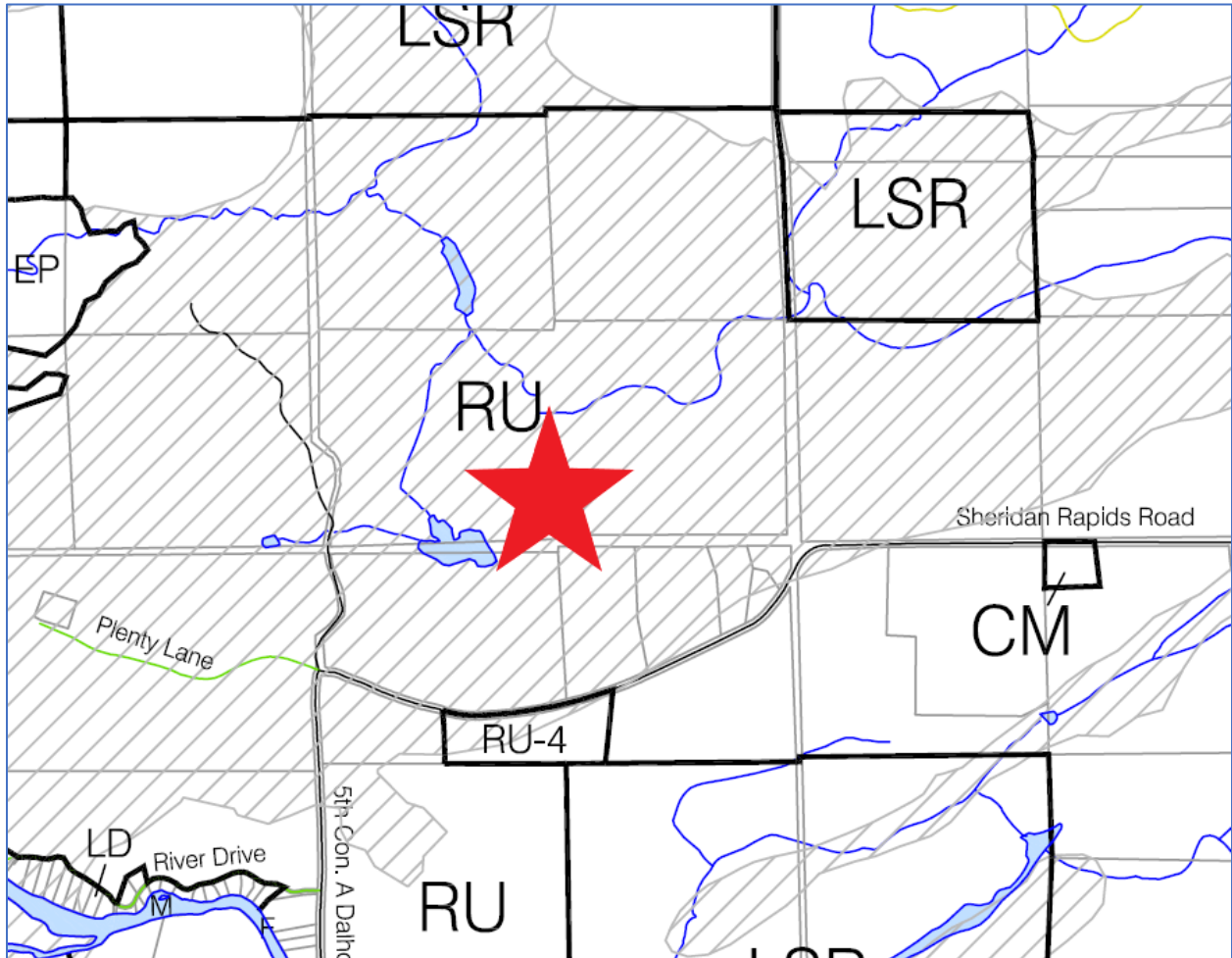
★ Subject Land – Rural Communities designation

Appendix B  
Official Plan Schedule B



★ Subject Land

## Appendix C Zoning Schedule



★ Subject Land: Rural with Organic Soil Overlay



**Appendix D**  
**Conditions of Consent (B20-122)**

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.*
8. *That the applicant obtains a zoning by-law amendment for the retained parcel to place the lands within the Limited Services Rural (LSR) zone.*
9. *That the private lane providing access to the retained parcel be located entirely on the unopened road allowance. Further that the applicant provide survey confirmation that the lane accessing the dwelling at 954 Sheridan Rapids Road, located on the retained parcel is located entirely on the unopened road allowance.*
10. *That the applicant enter into a private lane agreement with the Township for the retained parcel and the use of the unopened road allowance to be registered on title of the retained lands.*

11. *That the applicant enters into a Development Agreement with the Township of Lanark Highlands, that will be registered on title, to implement the recommendations of the EIS and a notice that the lands are identify as having potential unstable soils and may require a Geotechnical study to confirm suitable soils for residential constructions.*