
DECISION

With respect to the Mississippi Mills Official Plan
Amendment No. 33
Section 17(34) of the Planning Act

WHEREAS Official Plan Amendment No. 33 was adopted by the Corporation of the Municipality of Mississippi Mills on August 27, 2024, by By-law No. 2024-049 and forwarded to the County of Lanark for a decision under section 17(34) of the *Planning Act*;

AND WHEREAS Official Plan Amendment No. 33 proposes policy amendments addressing cluster lot development, private roads and unopened road allowances.

AND WHEREAS a review was completed, and the amendments were determined to be in conformity with Section 2 of the *Planning Act*, the Provincial Planning Statement (2024) and the Lanark County Sustainable Communities Official Plan, and further, represents good land use planning consistent with the wider public interest.

AND WHEREAS notwithstanding the conformity of the amendments, specific changes were identified collaboratively that would support clarity and interpretation and implementation.

NOW THEREFORE, pursuant to subsection 17(34) of the *Planning Act*, the County of Lanark makes the following decision:

The adoption of Official Plan Amendment No. 33 to the Mississippi Mills Official Plan is hereby approved subject to the following modification in full:

Deletions are shown with a strikethrough, e.g., ~~Official Plan~~; additions are shown in red text, e.g., **Official Plan**.

Section 3.6.6, Cluster Lot Development, is hereby amended by the following deletions and additions:

A cluster lot development is a grouping of three (3) to five (5) severed lots (not including the retained parcel) created by consent for clustered, rural, non-farm residential development. The main purpose of this alternative form of rural residential development is to direct housing away from public roads and reduce the visual impact of strip residential development.

The number of lots permitted in any specific cluster lot development proposal shall be determined based on the number of lots which were previously severed from the original township lot. The number of previous severances shall include all lots, including those created prior to July 1973:

- a. If an original township lot has had one (1) or fewer previous severances, a cluster

lot development proposal involving the maximum of five (5) rural residential lots could be considered.

- b. Where the original township lot has had two (2) previous severances, a cluster lot development proposal involving four (4) rural residential lots could be considered.
- c. Where the original township lot has had three (3) previous severances, a cluster lot development proposal involving the minimum three (3) rural residential lots could be considered.
- d. In no case shall a cluster lot development proposal, plus previous severances result in a situation where there are more than six (6) rural residential lots created from an original township lot, excluding the remnant parcel.

Generally, the establishment of cluster lot development shall not be permitted within 1 kilometre of the Almonte urban boundary.

If there is an original township lot which has not had any previous severances, the property owner may be able to pursue the creation of lots under severance policies of Section 3.3.6 or a cluster lot development proposal, but not both. This means that previous severances from an original township lot used in the above calculations must have existed prior to the date indicated in Section 3.3.6. ~~of the adoption of this Plan by the Municipal Council.~~

The following policies shall apply to cluster lot development proposals:

- 1. Non-farm, rural residential lots on private roads may only be created through the cluster lot development process and are to be located only within the "Rural" designation and zoned "Limited Service Residential (LSR)".
- 2. The retained property from which the cluster lot development is severed shall be a minimum lot of 20 hectares.
- 3. The single internal road serving the cluster lot development shall be a private road built and maintained to standards set by the Municipality in accordance with the private road policies of this Plan found in Section 4.6.8. New private roads shall be subject to Site Plan Control and managed under a Common Elements Condominium.
- 4. The intersection of the private road and the public road must be located so that no safety hazards are created at the intersection, adjacent intersections, or existing entrances.
- 5. Lots are to be serviced by private individual water and sewage systems. Appropriate servicing studies, including a hydrogeological review, shall be required.
- 6. The overall density of cluster lot development shall be approximately one residential lot per hectare of land. The minimum lot size shall generally be 1.0 ha and shall not include lands described as significant natural heritage features within the Plan. Any lot(s) less than 1.0 ha will demonstrate that the lot(s) are of

sufficient size to adequately accommodate individual private services.

7. Generally, the placement of dwellings within the cluster lot development shall be determined based on the following considerations:
 - a) houses should either be set back from the nearest public road a minimum of 100 metres, or the dwelling(s) must be screened from the public road by topography such as berms, mature vegetation, or through new plantings. When the 100 metre setback is waived due to a screen of mature vegetation, agreements must be entered into that ensure the screening effect of the vegetation is not compromised during development and into the future. The Site Plan Agreement shall be used to implement this requirement.
 - b) the siting of dwellings shall take into consideration landscape features, vegetation, wildlife habitats or other resources on the property and avoid such areas;
 - c) any identifiable features of rural character are maintained or enhanced through the location of the dwellings;
 - d) the location of dwellings shall blend as much as possible with the natural landscape so that the rural character is relatively undisturbed; and
 - e) buffering shall be provided where a cluster lot development is in close proximity to an active agricultural operation or Agricultural designation.
8. The cluster lot development may include land held in common ownership to be used as open space for recreation. This land cannot be developed further and shall be managed under the Common Elements Condominium.
9. Where cluster lot development includes lands adjacent to natural heritage features, the appropriate policies of this Plan apply. If cluster lot development is proposed within 120 metres of natural heritage features, an Environmental Impact Assessment shall be required in accordance with Section 3.1.6 of this Plan.
10. New private roads or extension to existing private roads will not be permitted to cross private lands via an easement or other such legal instrument; rather the private road shall be a distinct parcel of land identified within the cluster lot development where the ownership, maintenance and liability of the private road shall be included under a Common Elements Condominium.
11. Cluster lot development including ~~residential uses including~~ accessory structures, private services and private roads ~~are shall not be permitted~~ **prohibited** within the "Agricultural" designation; **and shall not be permitted** or where there are aggregate resources, wetlands, significant woodlands, flood plains, significant habitat of endangered or threatened species or areas of natural or scientific interest unless **supported by appropriate studies such as an Aggregate Studies/Impact Assessment or** ~~as otherwise directed in an~~ Environmental Impact Statement.
12. Proponents of cluster lot developments shall be required to submit an accurate

site plan based on an up to date survey and R-Plan which identifies lot sizes, frontage, lands to be held in common ownership, proposed building and septic system envelopes, well locations, existing and proposed natural features including treed areas and landscaping, slopes, watercourses, grading and drainage plans, and any additional information that may be required by the Municipality.

13. The Mississippi Mills Rural Design Guidelines shall apply to all cluster lot developments, as applicable.
14. New cluster lot developments shall be subject to a holding zone that may not be lifted until the following requirements have been met:
 - a) The new private road has been design, constructed and approved by the Municipality;
 - b) A Common Elements Condominium” has been registered that includes details related to the ownership, maintenance and liability of the private road; and
 - c) Completion of the Site Plan Control process with all securities, insurance and registration of all applicable agreements completed.

Section 4.6.4.5(5), Unopened Road Allowances, is hereby amended with the following addition:

5. New uses of unopened road allowances as lanes to gain access to year-round residential development shall be discouraged and shall not be permitted without Council approval and a registered agreement with the Municipality against the benefitting property owner that shall include the procedures for maintenance of the unopened road allowance and indemnifying the Municipality of any liability or responsibility for any upkeep or the provision of services.

Section 4.6.8, Private Roads, paragraph one (1), is hereby amended with the following deletion and addition:

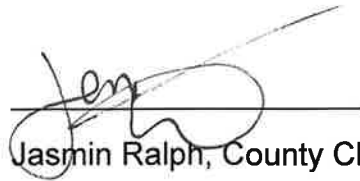
A private road ~~is defined within Section 5.14. as a road under private ownership which serves two or more legally conveyable lots as identified as a common element developed under the cluster lot development policies of this Plan.~~ A driveway providing access to only one property or legally conveyable lot, or shared access between two abutting properties is not considered a private road under this Plan.

DATED IN PERTH, THIS 7TH DAY OF MAY, 2025.

We have the authority to
bind the Corporation



Toby Randell, Warden



Jasmin Ralph, County Clerk

