



THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

January 30th, 2025

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Clost Consent Application – Lanark County File B24-161

1. LOCATION AND DESCRIPTION

The subject property is in Part of Lot 21, Concessions 9 and 10, Township of Montague, with frontage on Highway 15. The property totals approximately 46.56 hectares. One (1) parcel of land, 2.86 hectares in size, is proposed to be severed. (See Appendix “A”)

2. PROPOSED CONSENT

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

1. **Severed Lot (B24-161):** The Applicants are proposing to sever a 2.86 hectare parcel of land with approximately 371m of frontage on Highway 15 (maintained by the Ministry of Transportation). This proposed severed lot is currently vacant with plans to construct a dwelling and will be serviced by a private well and septic system.
2. **Retained Lot:** This proposed parcel is 43.7 hectares in size with approximately 778m of frontage on Highway 15 (maintained by the Ministry of Transportation). This proposed retained lot is currently vacant with plans to construct a dwelling and will be serviced by a private well and septic system.

3. PLANNING ANALYSIS

3.1 Provincial Planning Statement (PPS) 2024

The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning, providing for appropriate development, while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Section 3(5)(a) of the Planning Act, R.S.O. 1990, provides that all planning decisions must be consistent with the PPS.

The subject property is located within a Rural Area, defined under the PPS as “a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas”.

2.6.1(c) *On rural lands located in municipalities, permitted uses are: ... c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services.*

2.6.2 *Development that can be sustained by rural service levels should be promoted.*

2.6.5 *New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

4.1(1) *Natural features and areas shall be protected for the long term.*

4.1.5(b)(d) *Development and site alteration shall not be permitted in: ... b) significant woodlands in Ecoregions 6E and 7E...; d) significant wildlife habitat;... unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

4.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

5.2.2(c) *Development shall generally be directed to areas outside of: ...c) hazardous sites.*

The lot to be severed is vacant and it is proposed to be developed with a dwelling that will be serviced by a private well and septic system.

The retained parcel is also currently vacant, and it is proposed to be developed with a dwelling that will be serviced by a private well and septic system.

Residential uses are permitted in Rural Areas. Accordingly, the severed lot proposed in this application, and the resulting retained parcel, are compatible with the rural policies.

3.2 Official Plan

Schedule "A" of the Township's Official Plan designates the subject property as "Rural". See Appendix "B" herein.

3.6.2 *Within the Rural area, a variety of land uses shall be permitted including agriculture, forestry, management or use of resources, conservation, various outdoor recreational uses, and commercial, industrial, and limited residential uses...*

The surrounding land uses consist of a mixed landscape of residential development, forested areas and farmland.

2.17.2 *It is a policy of this Plan to address land use compatibility issues related to non-agricultural and agricultural uses through the application of the Minimum Distance Separation I (MDS I) and Minimum Distance Separation II (MDS II) formulae, as may be amended from time to time, to new non-agricultural uses and new or expanding agricultural uses, respectively.*

The Applicants have provided a completed MDS form from the owner of a livestock facility within 750m of the subject lands. The calculated building base distance does not impact the proposed severed parcel.

2.19.2(1) ...Where lands that are the subject of development proposals have been identified as potentially possessing organic soils, development will be encouraged to locate outside of areas identified with organic soils, where feasible. Where development is proposed in areas containing organic soils, the approval authority may request sufficient soils and geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development.

There are areas of organic soils on the proposed retained lot, as illustrated in Appendix "C" herein. There is sufficient buildable area outside of this designation but, should the applicants proceed with development of the retained lands in this natural hazard, engineering review may be required.

2.21.4(5) The Township seeks to preserve the function of significant wildlife habitat without unduly restricting development. Accordingly, prior to permitting any development or site alteration such as filling, grading, and excavating that would change the landform and natural vegetative characteristics of the site within a significant wildlife habitat or natural corridor area identified on Schedule B or adjacent lands, the approval authority shall require an environmental impact assessment demonstrating that no negative impacts on the natural features or their ecological functions. The assessment required pursuant to this policy will be completed in accordance with the requirements of the Environmental Impact Assessments section of this Plan.

A large area of the subject lands is located within a Significant Wildlife Habitat, as illustrated in Appendix "D" herein.

The Applicants obtained an Environmental Impact Study from Muncaster Environmental Planning Inc. and submitted same to the County of Lanark as part of their complete application. The mitigation measures contained in that report, and any associated peer reviews, will be captured in a Development Agreement between the Owners and the Township of Montague.

2.21.6(4) Prior to permitting development or site alteration such as filling, grading, and excavating that would change the landform and natural vegetative characteristics of the site within a significant woodland area identified on Schedule B or adjacent lands, the approval authority shall require an environmental impact assessment demonstrating that there will be no negative impacts on the natural features or their ecological functions. The assessment required pursuant to this policy will be completed in accordance with the requirements of the Environmental Impact Assessments section of this Plan.

There are areas of significant woodlands on the proposed retained parcel, as illustrated in Appendix "D" herein.

The Applicants obtained an Environmental Impact Study from Muncaster Environmental Planning Inc. and submitted same to the County of Lanark as part of their complete application. The mitigation measures contained in that report, and any associated peer reviews, will be captured in a Development Agreement between the Owners and the Township of Montague.

2.22.1(4) A Hydrogeological and Terrain Assessment is required when any of the following apply:

- 1. The development involves the creation of a lot less than 1 ha in size to be serviced with a private septic system, and a private well for drinking water purposes.*
- 2. The development is taking place in an area of potential or known hydrologic sensitivity.*

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 1 hectare. 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 one hectare, a hydrogeological assessment will not be required unless triggered by other criteria of this Section.*

4. *The development is located within a 150m circumference (i.e. circle) of seven (7) other existing developments serviced with private well and septic systems. The measurement of the circle will be from the midpoint of the proposed severed lot.*

Pursuant to the Township's screening checklist, due to the size of the proposed severed lot, a Hydrogeological Assessment was not required.

3.4.3(2) Development or site alteration such as filling, grading, and excavating that would change the landform and natural vegetative characteristics of the site may be permitted on lands adjacent to the Natural Heritage B designation, subject to the provisions of the Natural Heritage Features and Environmental Impact Assessments sections of this Plan. Adjacent lands means those lands within 120 metres of the Natural Heritage B designation, except for a provincially significant Area of Natural and Scientific Interest – Earth Science, for which adjacent lands means those lands within 50 metres.

There are areas of the retained parcel containing unevaluated wetlands (a Natural Heritage B designation), as illustrated in Appendix "D" herein.

The Applicants obtained an Environmental Impact Study from Muncaster Environmental Planning Inc. and submitted same to the County of Lanark as part of their complete application. The mitigation measures contained in that report, and any associated peer reviews, will be captured in a Development Agreement between the Owners and the Township of Montague.

5.2.3(1) A maximum of three new lots (excluding the retained lot) may be created from a land holding as it existed on January 1, 2001. Where a landholding is situated partly or wholly in the Settlement Area designation, this maximum shall not apply, provided that such new lot is situated wholly within the Settlement Area designation.

According to our records, no lots have been severed from this parcel since January 1st, 2001. Therefore, the proposed severance is in conformity with the Official Plan.

3.3 Zoning By-Law

Under the Township's Zoning By-Law 4070-2024, the subject property is zoned Rural (RU) – see Appendix "E" herein. The RU zone provides for a minimum lot size of 0.4 hectares and a minimum lot frontage of 46 meters.

The permitted uses under the RU zone include dwellings and accessory structures.

Both the severed and retained parcels will comply with the zoning provisions in the RU zone.

4. INTERNAL COMMENTS

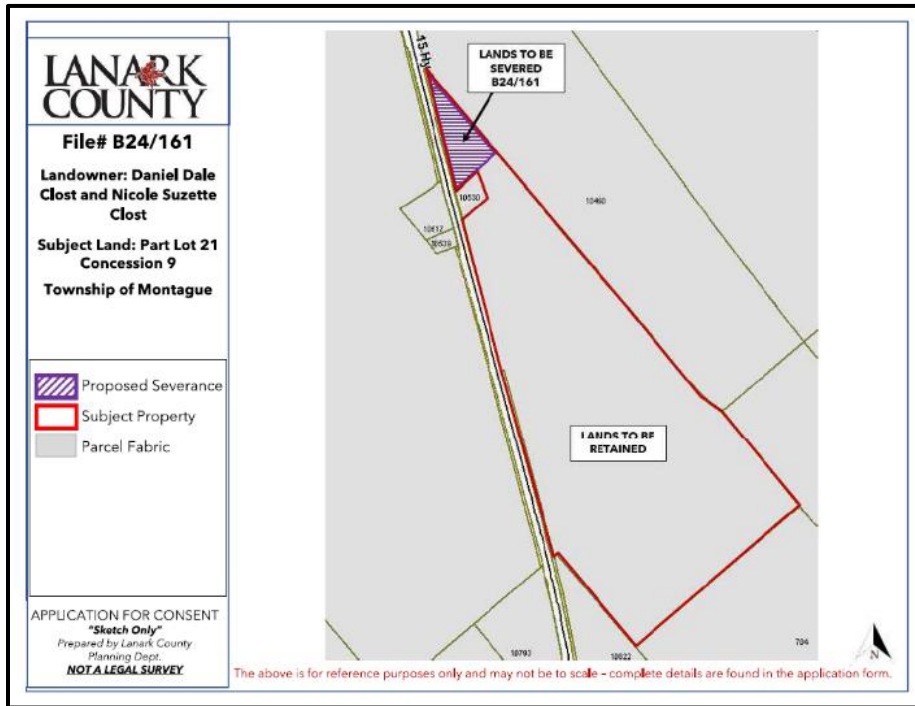
The Building Inspector advised that he had no comments. The Building Department will provide septic comments under a separate report. No additional comments have been received from Township staff resulting from the internal circulation of this application.

5. CONCLUSIONS

Based on the foregoing, the proposed consent application is consistent with the PPS and conforms with the provisions of the Township's Official Plan and Zoning By-Law, provided that the recommended conditions in Appendix "F" are approved.

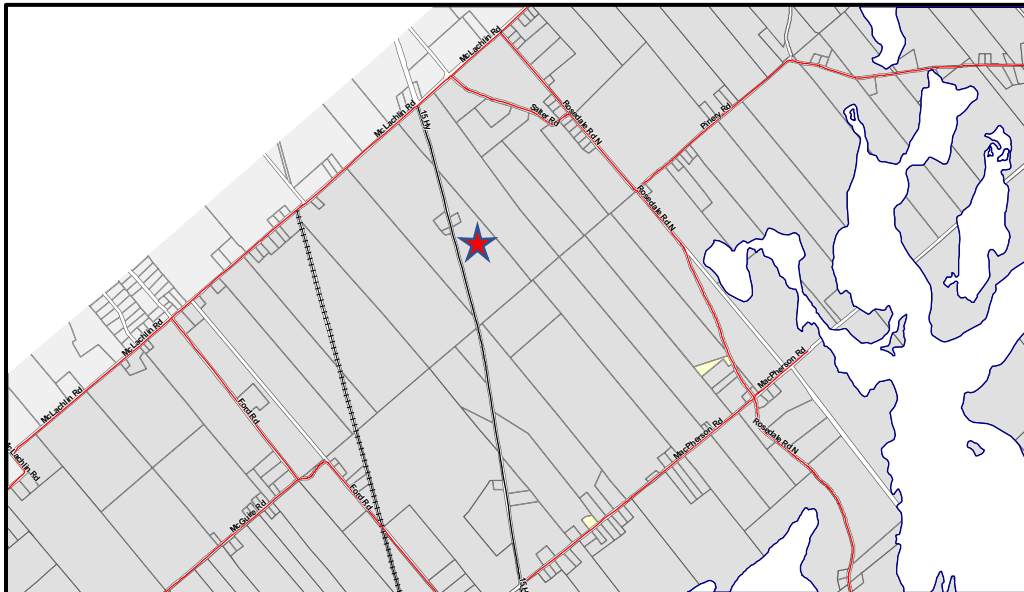
APPENDIX “A”

Key Map



APPENDIX “B”

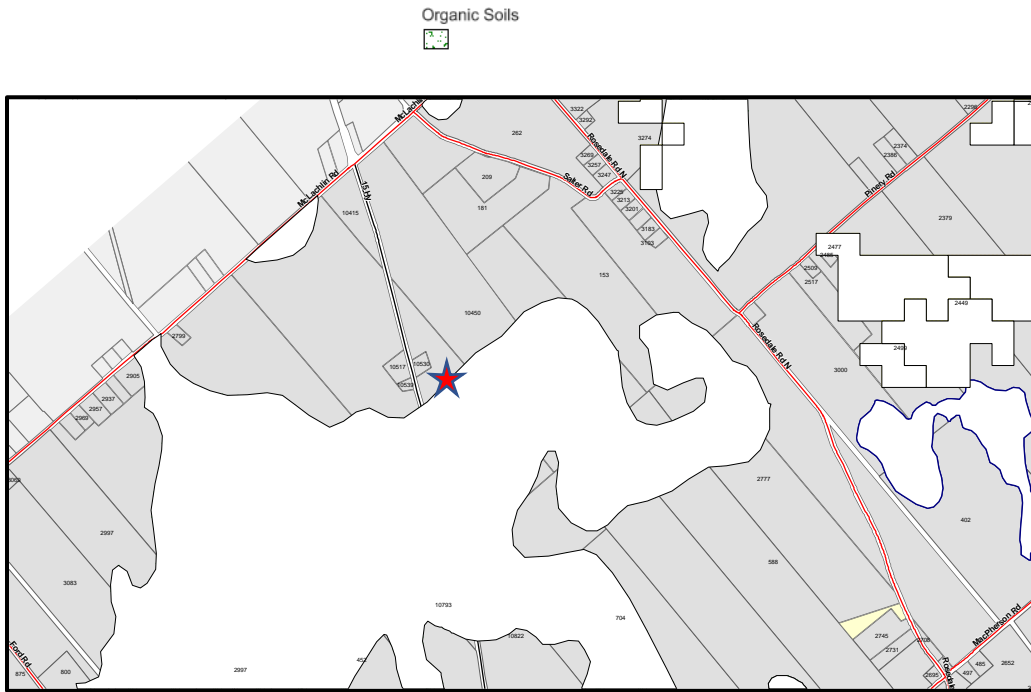
Official Plan - Schedule “A”- Land Use



Subject Land – Rural designation

APPENDIX "C"

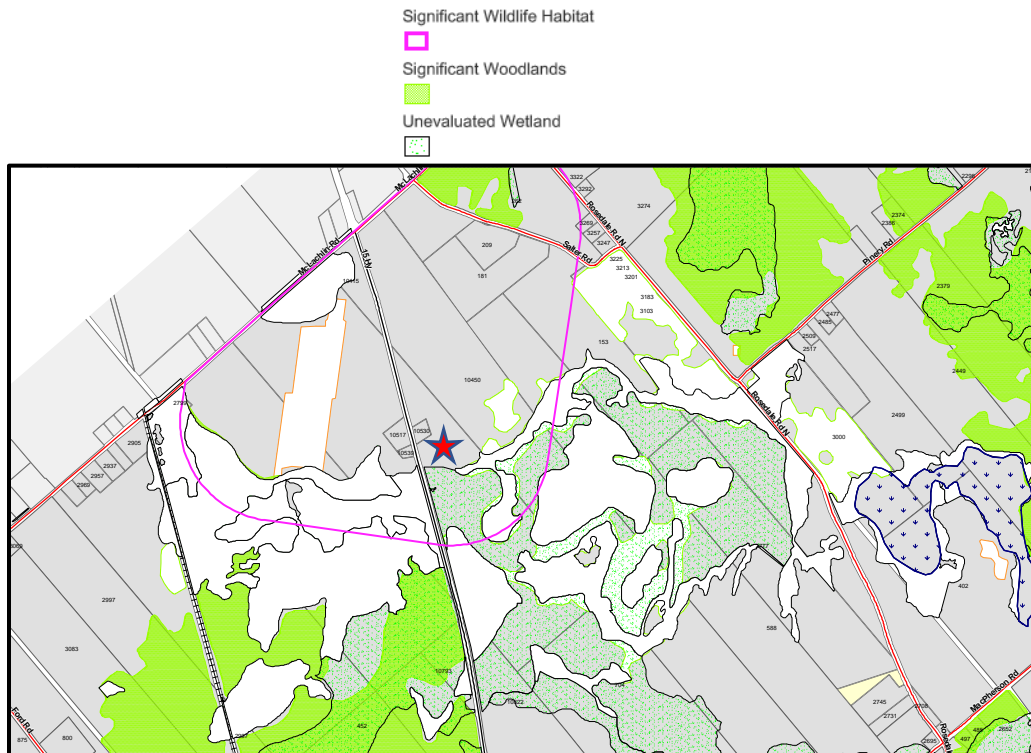
Official Plan - Schedule "B" - Constraints and Opportunities



 Subject Land

APPENDIX "D"

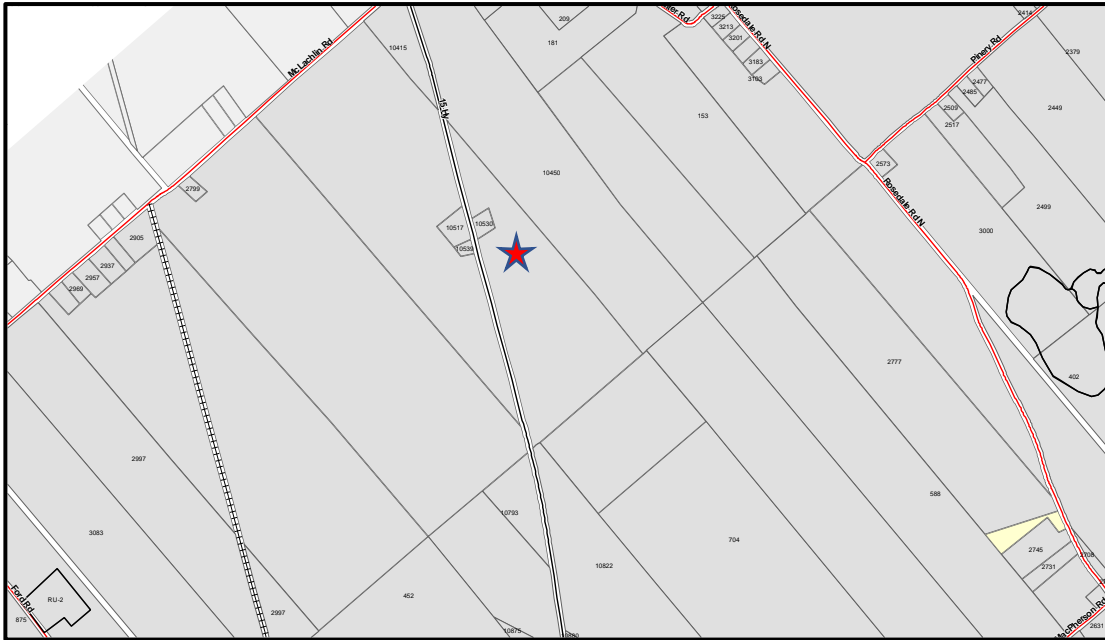
Official Plan - Schedule "C" - Natural Heritage System



 Subject Land

APPENDIX "E"

Zoning By-Law



 Subject Land: Rural (RU)

APPENDIX "F"

Conditions of Consent

- 1) *The balance of any outstanding taxes, including penalties and interest, (and any local improvement charges, if applicable) shall be paid to the Township of Montague.*
- 2) *The Applicants shall satisfy all the requirements of the Township of Montague, financial and otherwise, that may be required under established by-laws for consent applications.*
- 3) *The Applicants shall provide the Township of Montague with a digital and paper copy of all reference plans associated with this application.*
- 4) *The Applicants shall provide the Township of Montague with a copy of the deed/transfer for the property.*
- 5) *The Applicants shall obtain a Civic Address Number from the Township of Montague for the severed and retained parcels. The Applicants shall consult directly with the Township in this regard.*
- 6) *The Applicants shall consult directly with the Ministry of Transportation to confirm that residential entrances to the proposed severed and retained lots are viable and provide confirmation of same to the Township of Montague.*
- 7) *Payment shall be made to the Township of Montague 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.*
- 8) *The Owners shall enter into a Development Agreement with the Township of Montague. The wording of the Agreement shall be acceptable to the Municipality and shall address the mitigation measures noted in the Environmental Impact Study prepared by Muncaster Environmental Planning Inc., dated November 29th, 2024, and any associated peer reviews.*