



THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

March 15th, 2024

Prepared By: Kirsten Cote, Junior Planner
Reviewed By: Forbes Symon, RPP, MCIP, Senior Planner

Doyon, McMillan & Laferriere Consent Application – Lanark County File B24-012

1. LOCATION AND DESCRIPTION

The subject property is in Part of Lot 19, Concession 1, Township of Montague, and is municipally known as 435 Wood Road. The property totals approximately 14.7 hectares. One (1) parcel of land, 1.5 hectares in size, is proposed to be severed. (See Appendix “A”)

2. PROPOSED CONSENT

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

1. **Severed Lot (B24-012):** The applicant is proposing to sever a 1.5 hectare parcel of land with 150m of frontage on Wood Road, a Township maintained road. This lot is currently vacant with plans for development with a dwelling serviced by a private well and septic system.
2. **Retained Lot:** This parcel is 13.2 hectares in size with 104m of frontage on Wood Road, a Township maintained road. This lot contains a dwelling serviced by a private well and septic system, a garage, a dilapidated barn, and a storage building, with no plan for additional development at this time.

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, 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”.

1.1.5.2 On rural lands located in municipalities, permitted uses are: ... c) residential development, including lot creation, that is locally appropriate...

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

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

2.1.1 Natural features and areas shall be protected for the long term.

2.5.1 Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of: ...c) hazardous sites.

The lot to be severed is currently vacant with plans for development with a dwelling serviced by a private well and septic system.

The retained parcel is currently occupied by a dwelling serviced by a private well and septic system, a garage, a dilapidated barn, and a storage building, with no plan for additional development at this time.

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

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, farmland, and aggregate activities.

2.17.1(1)(2) ... The proponent of a mineral or mineral aggregate operation, or the proponent of a proposed encroaching incompatible land use, as applicable, shall be required to identify the potential impacts and to assess whether they can be mitigated to an appropriate level when measured against Provincial standards. The influence area applies between an incompatible or conflicting land use and extractive operations and vice versa.

1. *The influence area in relation to pits is 300 metres, except in the case of Class B pits where excavation is above the water table, in which case the influence area is 150 metres. The influence area in relation to quarries is 500 metres.*
2. *The influence areas for resource lands designated Mineral Resource or identified as a potential bedrock source of mineral aggregate shall be dependent upon the nature of the resource. The influence area shall be 300 metres or 500 metres for lands designated or identified on the basis of surficial or bedrock resources, respectively.*

The subject lands are located within a potential bedrock designation, as illustrated in Appendix “C” herein. The Applicant was required to obtain a Mineral Resource Impact Study to support their development proposal.

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 Applicant obtained completed MDS forms for each livestock facility located within 750m of the subject lands and one such facility at 384 Wood Road resulted in a calculated building base distance that encroaches onto the proposed severed parcel.

Accordingly, the Applicant will be required to rezone the severed lands to Rural – Special Exception to acknowledge the 132m building base distance of the encroaching livestock facility located at 384 Wood Road and its impact on the buildable area of the severed parcel.

2.19.2(1) ...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.

Organic soils are present on the retained portion of the subject lands, as illustrated in Appendix “C” herein. Due to the location of the organic soils, there is no anticipated impact to the proposed severed parcel.

2.22.1(4)(1) 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.*

Pursuant to the Township’s screening checklist, a Hydrogeological Assessment is not required.

2.23.1(2)(1) ...Development or site alteration such as filling, grading, and excavating that would change the landform and natural vegetative characteristics of the site shall generally occur a minimum distance of 30 metres from the normal high water mark of any water body.

There is a watercourse present on the retained portion of the subject lands, as illustrated in Appendix “E” herein, although there is sufficient buildable area outside of the 30m setback.

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....

Unevaluated wetlands (a Natural Heritage “B” designation) have been identified on the retained portion of the subject lands, as illustrated in Appendix “D” herein. Due to the location of the unevaluated wetlands, there is no anticipated impact to the proposed severed parcel.

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, there have been two lots severed from this parcel since January 1st, 2001. This proposed severance would constitute the third and final eligible severance. Therefore, the proposed severance is in conformity with the Official Plan.

3.3 Zoning By-Law

Under the Township’s Zoning By-Law 3478-2015, the subject property is zoned Rural (RU) – see Appendix “F” 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

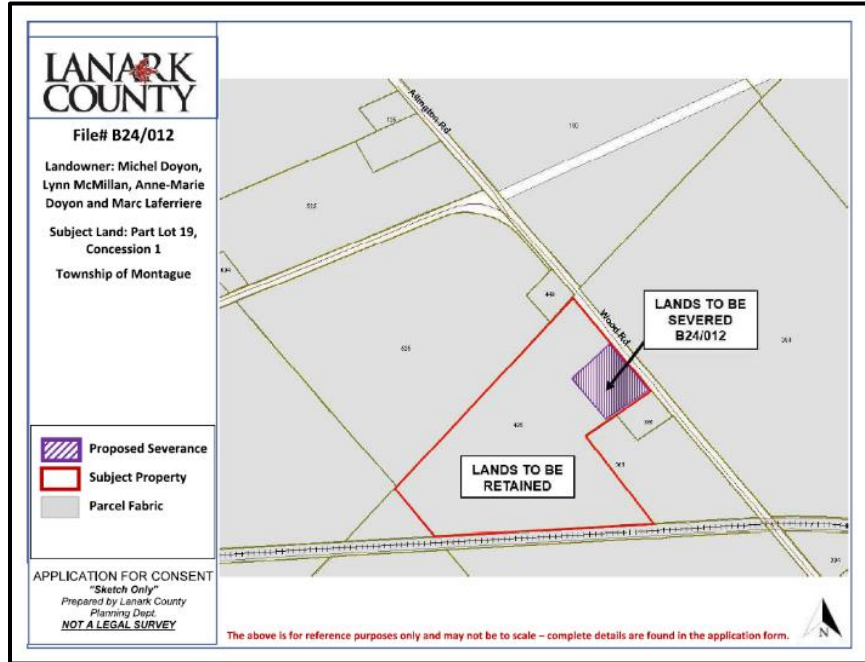
The Chief Building Official advised that he had no comments. No additional comments have been received from Township staff resulting from the internal circulation of this application.

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 “G” are approved.

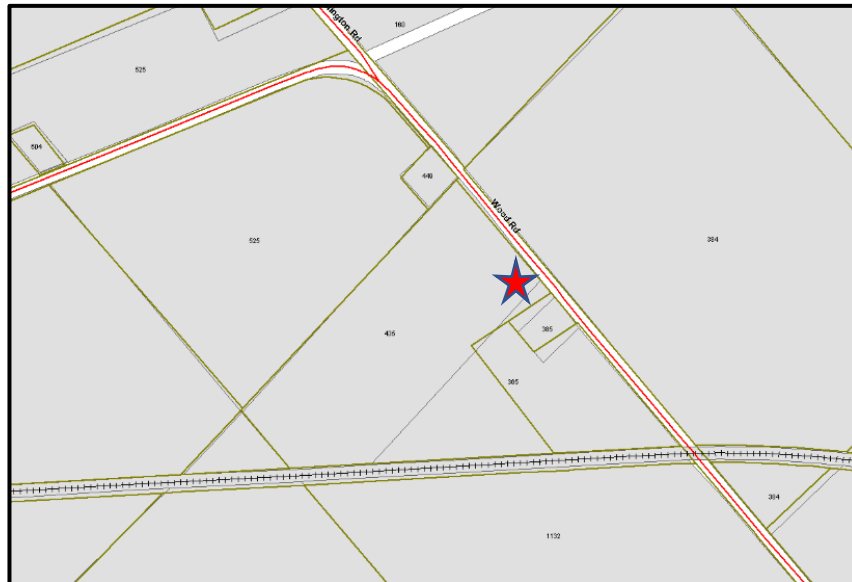
APPENDIX "A"


Key Map



APPENDIX "B"

Official Plan – Schedule "A"

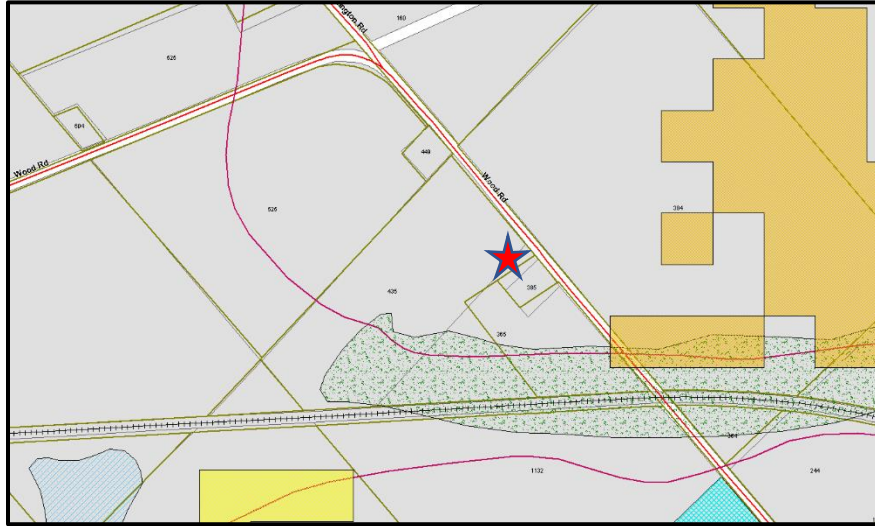


 Subject Land – Rural designation

APPENDIX "C"

Official Plan – Constraints and Opportunities - Schedule "B"

- Organic Soils
- Potential Bedrock Sources of Mineral Aggregate

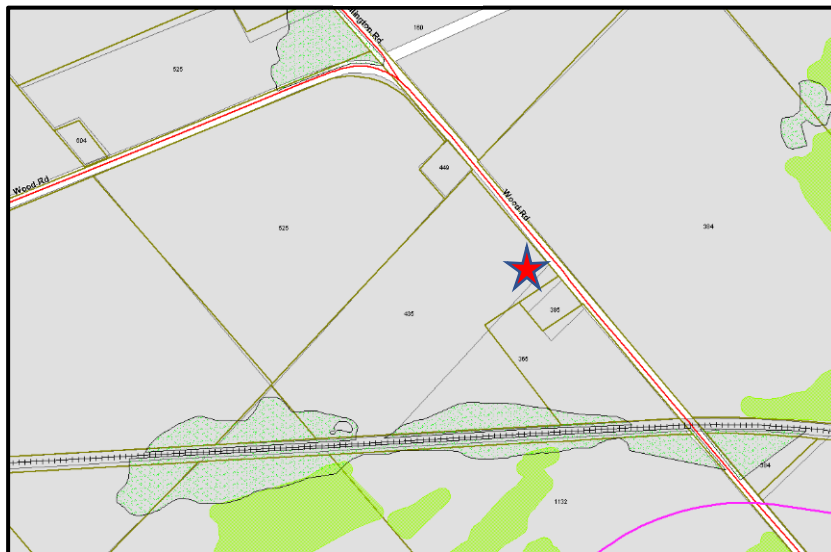


 Subject Land

APPENDIX "D"

Official Plan - Natural Heritage System - Schedule "C"

Unevaluated Wetland



 Subject Land

APPENDIX "E"

RVCA Mapping



★ Subject Land

APPENDIX "F"

Zoning By-Law



★ Subject Land: Rural (RU)

APPENDIX "G"

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 Applicant 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 Applicant shall provide the Township of Montague with a digital and paper copy of all reference plans associated with this application.*
- 4) *The Applicant shall provide the Township of Montague with a copy of the deed/transfer for the property.*
- 5) *The Applicant shall obtain a Civic Address Number from the Township of Montague. The Applicant shall consult directly with the Township in this regard.*
- 6) *The Applicant shall confirm that a residential entrance to the subject lot is viable. The Applicant shall consult directly with the Township of Montague in this regard.*
- 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) *Sufficient land for Road Widening purposes shall be deeded to the Township by registered deed, to meet the Township's road widening requirements, at no cost to the Township. Deeds are to be submitted to the Township for review accompanied by a solicitor's certificate indicating that the Township's title is free and clear of all encumbrances and the Township has good and marketable title. The Manager of Public Works shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.*
- 9) *The Applicant shall rezone the severed lands to Rural – Special Exception to acknowledge the 132m building base distance of the encroaching livestock facility at 384 Wood Road and its impact on the buildable area of the severed parcel.*
- 10) *The Applicant 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 conclusions and recommendations in the Mineral Resource Impact Assessment prepared by GRI Inc., dated December 18th, 2023; and*
 - *Illustrate the buildable area as it relates to MDS calculations and proximity to the existing watercourse.*