



## THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

May 25<sup>th</sup>, 2023

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Drummond Consent Application – Lanark County File B22-019

### 1. LOCATION AND DESCRIPTION

The subject property is located in Part of Lot 3, Concession A, Township of Montague, and is municipally known as 563 Heritage Drive. The property totals approximately 2.27 hectares. One (1) parcel of land, 0.83 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 (B22-019):** The Applicant is proposing to sever a 0.83 hectare parcel of land with 167.9m of frontage on Heritage Drive, a County 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 1.44 hectares in size with 245.7m of frontage on Heritage Drive, a County maintained road. This lot contains a dwelling serviced by a private well and septic system, with no plan for additional development at this time.

### 3. PLANNING ANALYSIS

#### 2.1 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 within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas”.

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

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

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, 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.

## **2.2 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 and farmland.

*2.18.2(1) ...Archaeological assessments shall normally be required for site alteration and new development involving planning applications for an Official Plan or zoning by-law amendment, plan of subdivision, condominium, or consent, as well as for the undertaking of new infrastructure works (ie. new road, road widening, municipal or communal water or sewage systems, waste disposal sites) when the subject lands contain or are located within at least one of the following: ... 2. 300 metres of a primary water source such as a lakeshore, river, large creek, etc.;...*

The proposed severed parcel is located less than 300m from the Rideau River, triggering the requirement for an Archaeological Assessment. The Applicant has obtained a Stage 1 and 2 Archaeological Assessment and submitted same to the County as part of their complete consent application. While no archaeological resources were recovered during the Stage 2 assessment, the recommendations contained in this report will be required to be documented in a Development Agreement between the owner and the Township.

*2.21.4(5) ...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 subject lands are located entirely within a Significant Wildlife Habitat designation, as illustrated in Appendix "C" herein, triggering the requirement for an EIS. The Applicant has obtained this report and submitted same to the County as part of their complete consent application. The recommendations contained in this report will be required to be documented in a Development Agreement between the owner and the Township.

*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.*

There is an area of Significant Woodlands designated on the retained lands, as illustrated in Appendix "C" herein. As the parcel proposed to be severed is outside of this natural heritage feature, and the retained lands are not proposed to be further developed at this time, there is no development concern.

*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.*

...

As the lot proposed to be severed is less than 1 hectare in size, the Applicant was required to obtain a Hydrogeological Assessment. The Applicant has obtained this report and submitted same to the County as part of their complete consent application. The recommendations contained in this report, as well as any peer review recommendations, will be required to be documented in a Development Agreement between the owner and the Township.

*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. Within the Settlement Area designation, consents shall generally be limited to infill development, rounding out existing development and where the land has the potential for the creation of three or less lots.*

According to our records, there have been no lots severed from this parcel since January 1<sup>st</sup>, 2001. 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) and Flood Plain (FP) - see Appendix "D" herein. The proposed severed parcel will

be located entirely within the RU zone. 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.

Section 3.18 of the Township's Zoning By-Law provides that new dwellings are to be located an appropriate distance from livestock facilities, pursuant to the Minimum Distance Separation I calculations issued by OMAFRA.

There is a barn located approximately 72m from the proposed severed lot, within the calculated 138m MDS setback, although there is sufficient buildable area outside of this buffer. It will accordingly be necessary for the owner to enter into a Development Agreement with the Township acknowledging that the lot is in close proximity to a livestock facility and may be subject to noise, dust, odours and other nuisances associated with agricultural activities. A sketch will also be required to demonstrate the remaining buildable area and will be attached to the Development Agreement.

#### **4. INTERNAL COMMENTS**

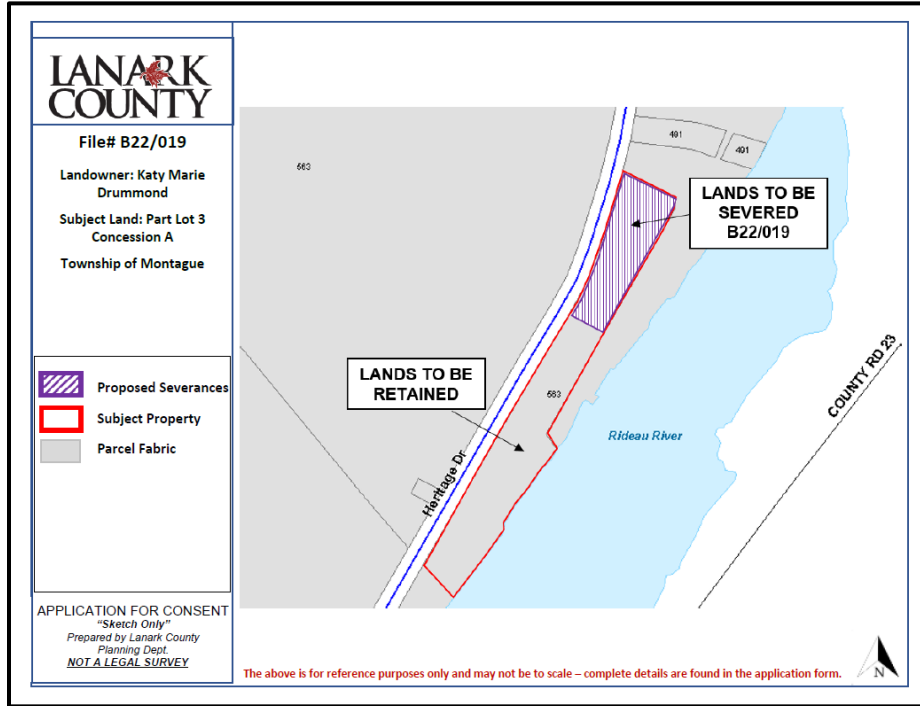
No comments have been received from Township staff resulting from the internal circulation of this application.

#### **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 "E" are approved.

# APPENDIX "A"

## Key Map



**APPENDIX "B"**



**Official Plan – Land Use - Schedule "A"**

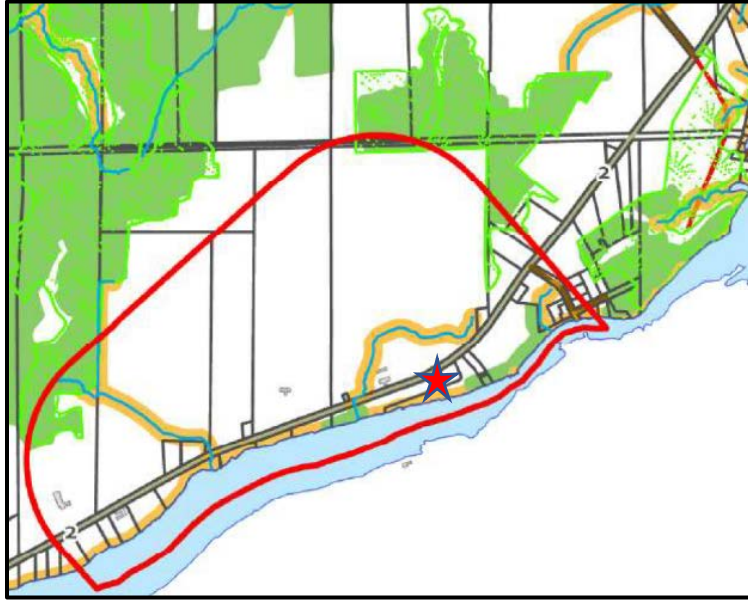


★ Subject Land – Rural designation

# APPENDIX "C"

## Official Plan – Natural Heritage System - Schedule "C"

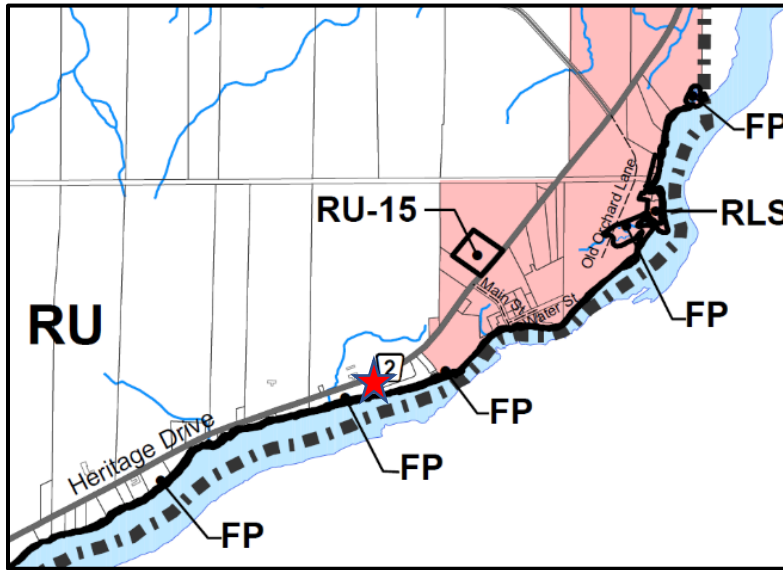
-  SIGNIFICANT WILDLIFE HABITAT
-  SIGNIFICANT WOODLANDS



 Subject Land

APPENDIX "D"

Zoning By-Law



★ Subject Land: Rural (RU) and Flood Plain (FP)



## APPENDIX "E"

### 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. A copy of the entrance approval from the County of Lanark is to be provided to the Township.*
- 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 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 recommendations in:*
  - *The Stage 1 and 2 Archaeological Assessment prepared by Past Recovery Archaeological Services Inc., dated May 31<sup>st</sup>, 2022;*
  - *the Environmental Impact Statement prepared by GemTec, dated December 17<sup>th</sup>, 2021;*
  - *the Scoped Hydrogeological Assessment and Terrain Analysis prepared by Morrison Hershfield, dated January 25<sup>th</sup>, 2023;*
  - *the Technical Review Memorandum (of the above-noted Scoped Hydrogeological Assessment and Terrain Analysis) prepared by Rideau Valley Conservation Authority, dated March 15<sup>th</sup>, 2023; and*

*The Development Agreement will also contain a provision that the lot is in close proximity to a livestock facility and may be subject to noise, dust, odours and other nuisances associated with agricultural activities. A sketch demonstrating the remaining buildable area on the severed lot is to be attached to the Development Agreement.*