



THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

May 10th, 2024

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Reviewed By: Forbes Symon, RPP, MCIP, Senior Planner

Linton Consent Application – Lanark County File B24-034

1. LOCATION AND DESCRIPTION

The subject property is in Part of Lot 21, Concession 2, Township of Montague, and is municipally known as 545 Rosedale Road South. The property totals approximately 34.3 hectares. One (1) parcel of land, 1.0 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 (B24-034):** The applicant is proposing to sever a 1.0 hectare parcel of land with 256.3m of frontage on Rosedale Road South, a County maintained road. This lot is currently occupied by a dwelling serviced by a private well and septic system, shed/garage, and silo.
2. **Retained Lot:** This parcel is 33.3 hectares in size with 465m of frontage on Rosedale Road South, a County maintained road. This lot contains an agricultural storage building and is proposed to continue to be used as farmland.

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; d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards...

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 occupied by a dwelling serviced by a private well and septic system, shed/garage, and silo.

The retained parcel is currently occupied by an agricultural storage building with no plan for development. The proposed use of the retained parcel is for agricultural purposes.

Residential uses and agricultural 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" and "Flood Plain", the latter of which is a Natural Hazard. 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...

3.5.2 The permitted uses of the Natural Hazard designation include those related to agriculture, forestry, conservation, wildlife management and passive outdoor recreation activities...

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

2.17.1(2)(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.

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.*

A small portion of the rear corner of the subject lands is located within a potential bedrock designation, as illustrated in Appendix "C" herein. As no development is proposed, a Mineral Resource Impact Study was not required to support this severance application.

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 provided MDS calculations for livestock facilities located within 750m of the subject lands and none of the calculated building base distances encroach onto 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.

A small portion of the front corner of the subject lands is located within an organic soils designation, as illustrated in Appendix "C" herein. As no development is proposed, a Geotechnical Study was not required to support this severance application.

2.19.5 ...Proponents submitting a planning application for lands that contain forested areas may be required to undertake a site review to assess for the risk of high to extreme wildland fire behaviour on the subject lands and adjacent lands (to the extent possible)...If development is proceeding where high to extreme or pine (needs assessment) risks for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.

There are a few areas of Wildland Fire Hazard (Pine) noted on the subject lands, as illustrated in Appendix "C" herein. As no development is proposed, a Risk Mitigation Plan was not required to support this severance application.

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 majority of this property is located within a significant wildlife habitat, as illustrated in Appendix "D" herein. As there is no development proposed, an Environmental Impact Assessment was not required to support this severance application.

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 noted at the rear of the subject lands, as illustrated in Appendix “D” herein. As no development is proposed, an Environmental Impact Assessment was not required to support this severance application.

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 subject lands, as illustrated in RVCA’s mapping at Appendix “E” herein. No development is proposed and 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. As no development is proposed, an Environmental Impact Assessment was not required to support this severance application.

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 3478-2015, the subject property is zoned Rural (RU) and Flood Plain (FP) – 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 FP zone does not provide for minimum lot sizes or frontages.

The permitted uses under the RU zone include dwellings and accessory structures. The permitted uses under the FP zone include agricultural uses and low impact uses not requiring structures (ie. conservation, park).

Both the severed and retained parcels will comply with the zoning provisions in the RU & FP zones.

4. INTERNAL COMMENTS

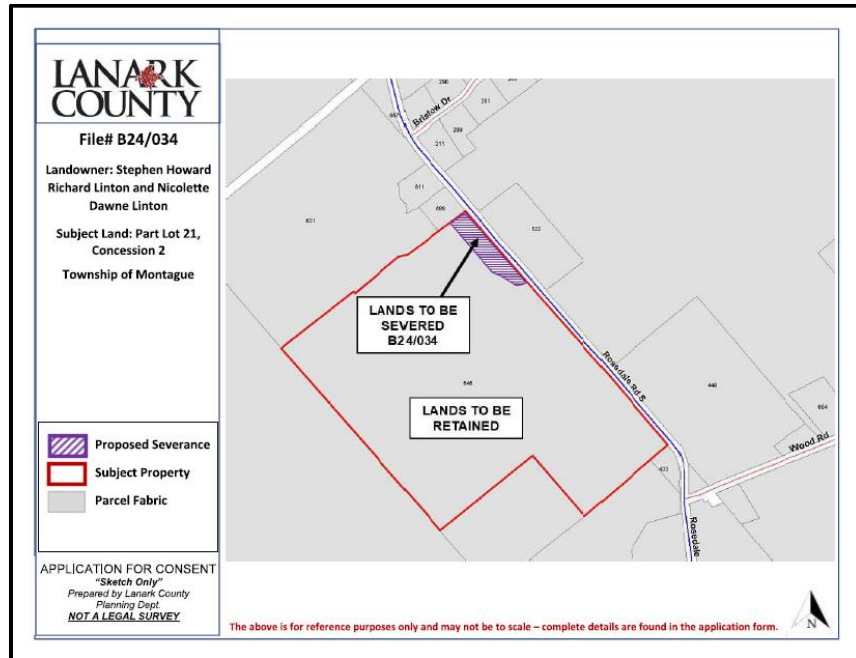
The Chief Building Official advised that he had no comments. No additional comments have been received from Township staff resulting from the internal circulation of this application.

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.

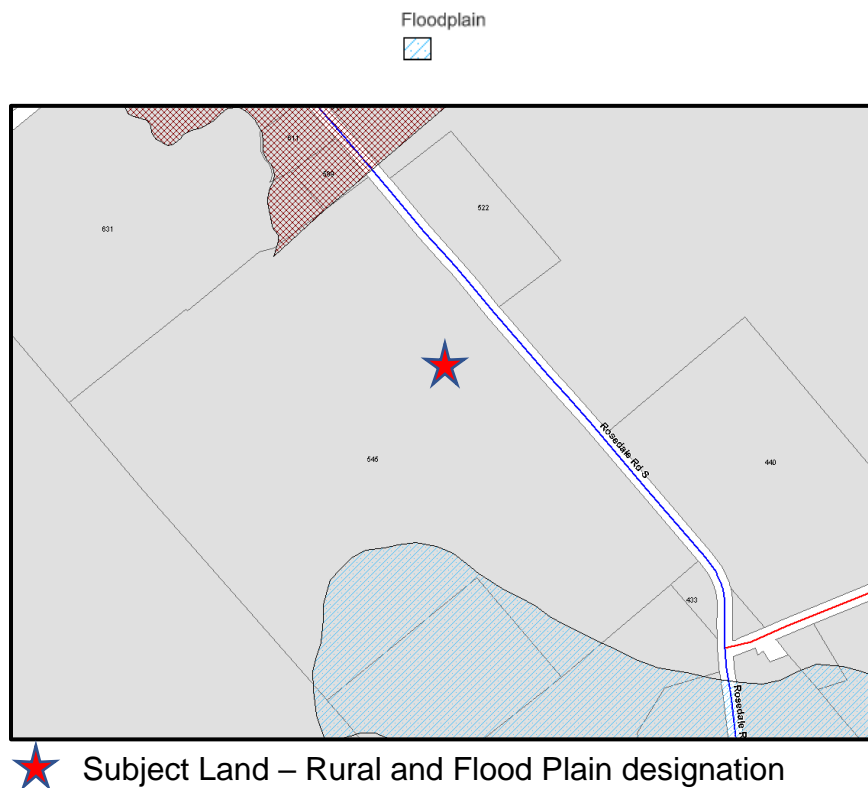
APPENDIX "A"

Key Map



APPENDIX "B"

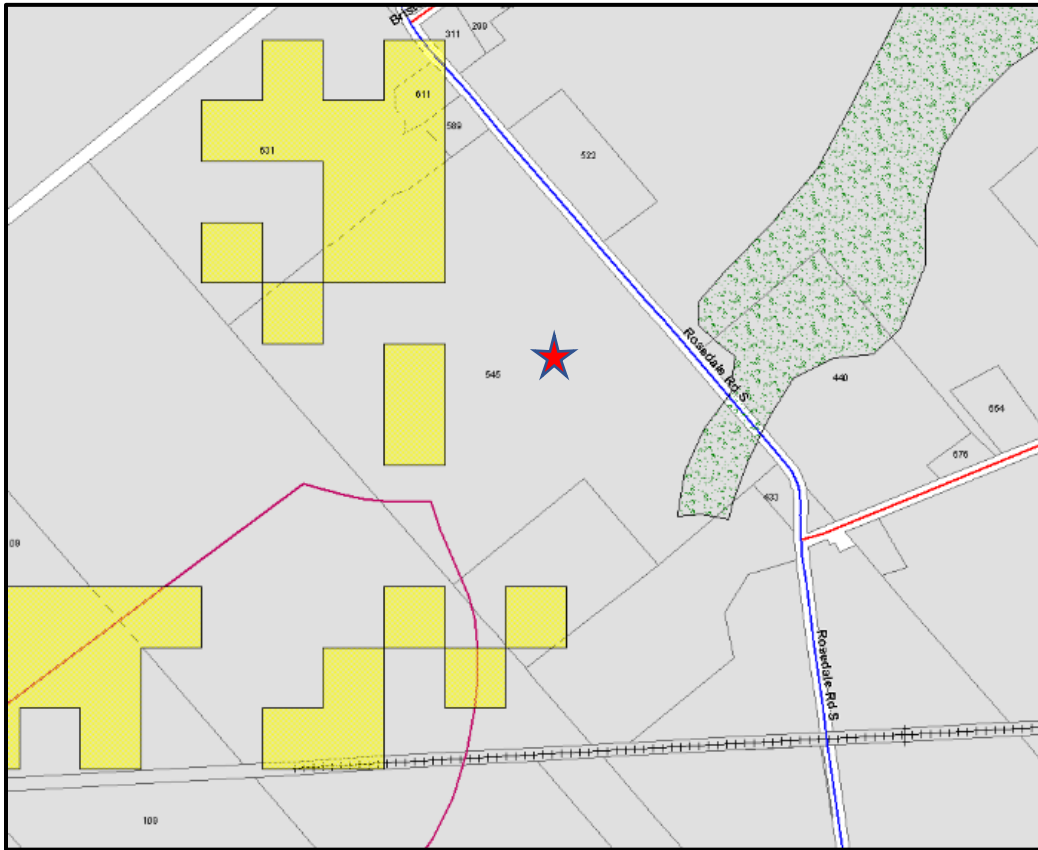
Official Plan – Schedule "A"



APPENDIX "C"

Official Plan – Constraints and Opportunities - Schedule "B"

- Organic Soils 
- Potential Bedrock Sources of Mineral Aggregate 
- Wildland Fire Hazard - Pine Needs Evaluation 

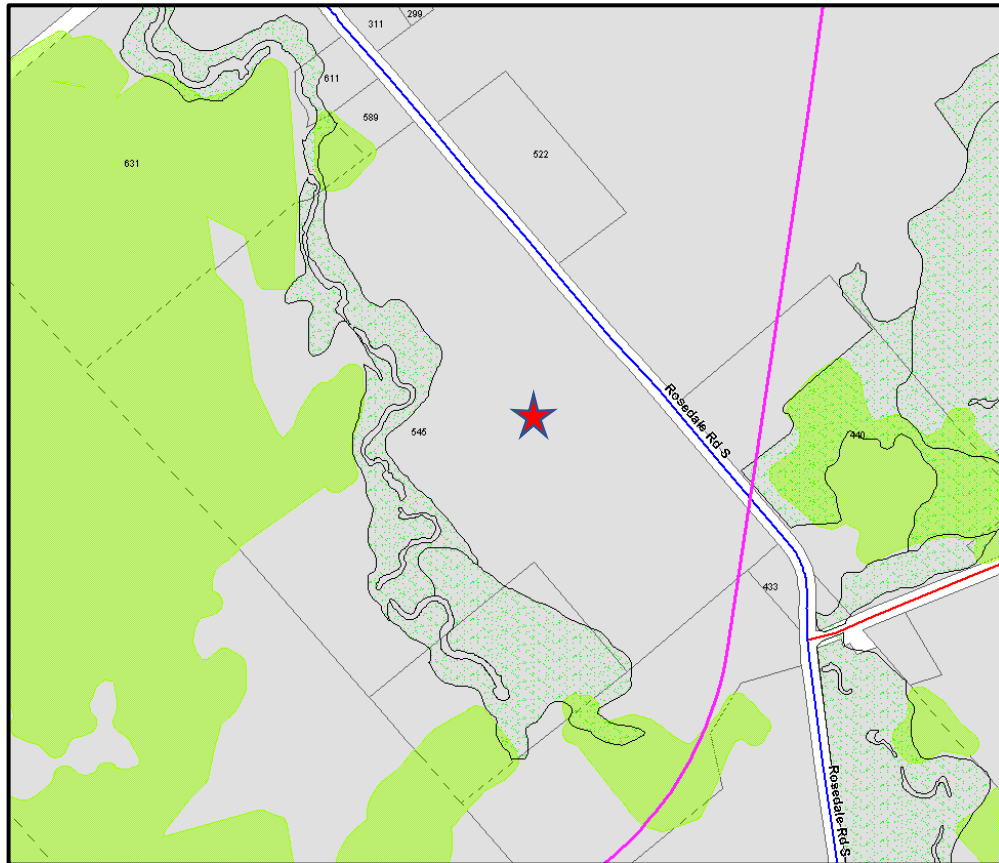


 Subject Land

APPENDIX "D"

Official Plan - Natural Heritage System - Schedule "C"

- Significant Wildlife Habitat
- Significant Woodlands
- Unevaluated Wetland
- Subject Land



 Subject Land

APPENDIX "E"

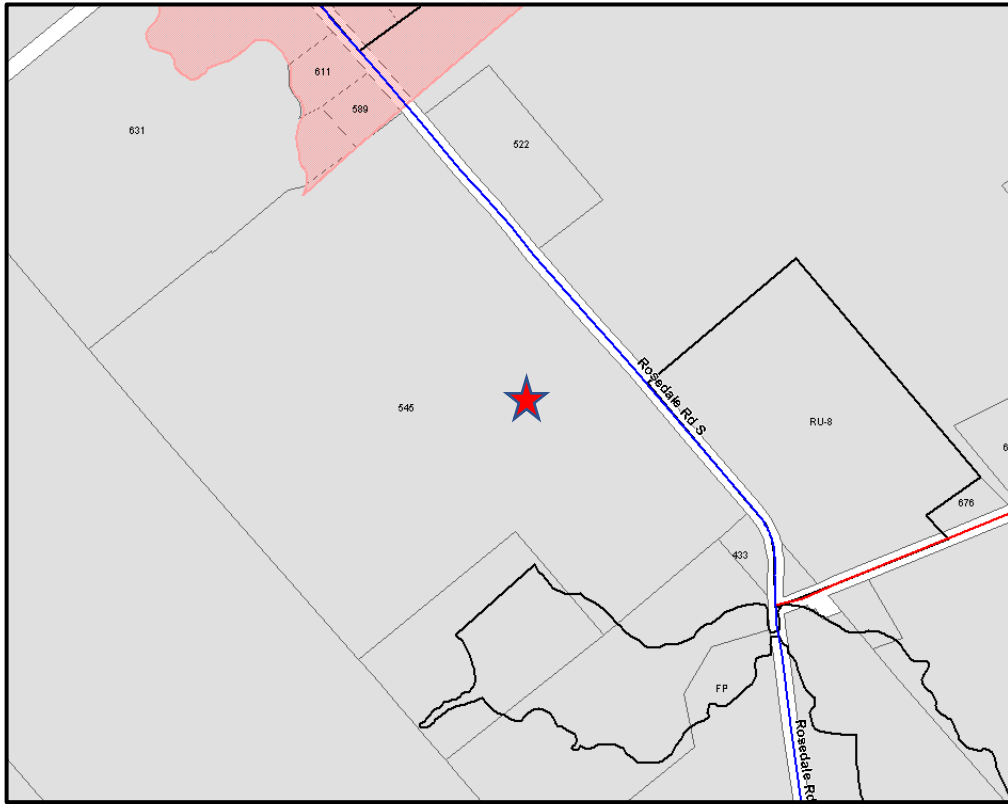
RVCA Mapping



★ Subject Land

APPENDIX "F"

Zoning By-Law



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

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 for the retained parcel. The Applicant shall consult directly with the Township in this regard.*
- 6) *The Applicant shall confirm that a farm entrance to the retained lot is viable. The Applicant shall consult directly with the County of Lanark in this regard.*