



**THE CORPORATION OF THE
TOWNSHIP OF MONTAGUE**

September 23rd, 2022

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Reviewed By: Forbes Symon, Contract Planner**

Michaelis Consent Application – Lanark County File B20-106

1. LOCATION AND DESCRIPTION

The subject property is located in Part of Lot 20, Concession 3, Township of Montague, and is municipally known as 1027 Matheson Drive. The property totals approximately 24.68 hectares, from which a 0.82 hectare parcel of land is proposed to be severed.

The subject property is located within Rosedale, a designated ‘Settlement Area’.

There are consent applications in process for four other lots to be severed from this landholding, as illustrated in 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 (B20-106):** The applicant is proposing to sever a 0.82 hectare parcel of land with 64m of frontage on Matheson Road, a Township maintained road. This lot is currently vacant with plans for a dwelling serviced by private well and septic.
2. **Retained Lot:** This parcel is 23.86 hectares in size with 70.33 meters of frontage on Matheson Road, a Township maintained road. This lot is currently vacant with no plans for development.

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 Settlement Area, defined under the PPS as “urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are: a) built-up areas where development is concentrated and which have a mix of land uses”.

1.1.3.1 Settlement areas shall be the focus of growth and development.

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 a dwelling serviced by private well and septic. The retained parcel is currently vacant with no current plans for development.

Residential land uses are permitted in Settlement Areas. Accordingly, the severed lot proposed in this application, and the resulting retained parcel, are considered to be compatible with the Settlement Area landscape.

3.2 Official Plan

Schedule “A” of the Township’s Official Plan designates the subject property as “Settlement Area”.

3.7.1 The communities designated Settlement Area include the villages of Andrewsville, Kilmarnock, Nolan’s Corners, Numogate, and Rosedale, as well as two areas on the periphery of the Town of Smiths Falls. These areas have historically served as local focal points where they provided a mix of local retail, service and social-cultural and residential opportunities for their surrounding communities. Today, they still play important roles as social and cultural centres for the Township. The Township intends that this role continue, by supporting and encouraging more concentrated development than would typically be found or permitted within the Rural designation, subject to servicing constraints. The amount and type of development permitted will, however, be consistent with the maintenance of the character of Settlement Area lands.”

3.7.2 Permitted uses within the Settlement Area designation shall include residential, general commercial, tourist commercial and limited industrial uses, subject to use-specific policies.

The surrounding land uses consist of a mixed landscape of clusters of residential development 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 implementing Zoning By-law may include provisions exempting properties from the application of MDS I and MDS II, as applicable. Exemptions may include situations such as when rebuilding after non-voluntary building destruction,

development within settlement areas, and development on existing lots of record. The Municipality may require that restrictive covenants and/or notices be registered on title as a condition of an approval of a planning application, where deemed appropriate.

Pursuant to Guideline #36 in OMAFRA's Minimum Distance Separation (MDS) Document, "MDS 1 setbacks are NOT required for proposed land use changes (e.g., consents, rezonings, redesignations, etc.) within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes." Accordingly, MDS 1 calculations were not undertaken for this development proposal.

2.22.1 (4) The determination of site suitability for proposed sewage disposal systems and the environmental sustainability of development (i.e. long term protection of ground water) are important considerations in development. Servicing reports such as hydrogeological investigations, terrain analyses, impact assessments and servicing options reports shall be provided to the satisfaction of the approval authority, including the relevant approval authority for water supply and sewage disposal systems.

Due to the proposal of five lots, of which one is the subject of this report, in close proximity to a number of developed properties, a Hydrogeological Assessment was required. The applicant has obtained this documentation, which has been provided to the County of Lanark as part of their application package.

A Natural Corridor exists on the retained lands, as identified in Appendix "C" herein, although no development is being proposed for the retained parcel of land at this time.

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.

This development proposal is deemed to comply with the Township's Land Division policies and the locational and design criteria contained therein.

3.3 Zoning By-Law

Under the Township's Zoning By-Law 3478-2015, the subject property is zoned Rural (RU) with a Settlement Area Overlay (See Appendix "D"). 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 agricultural uses.

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

4. INTERNAL COMMENTS

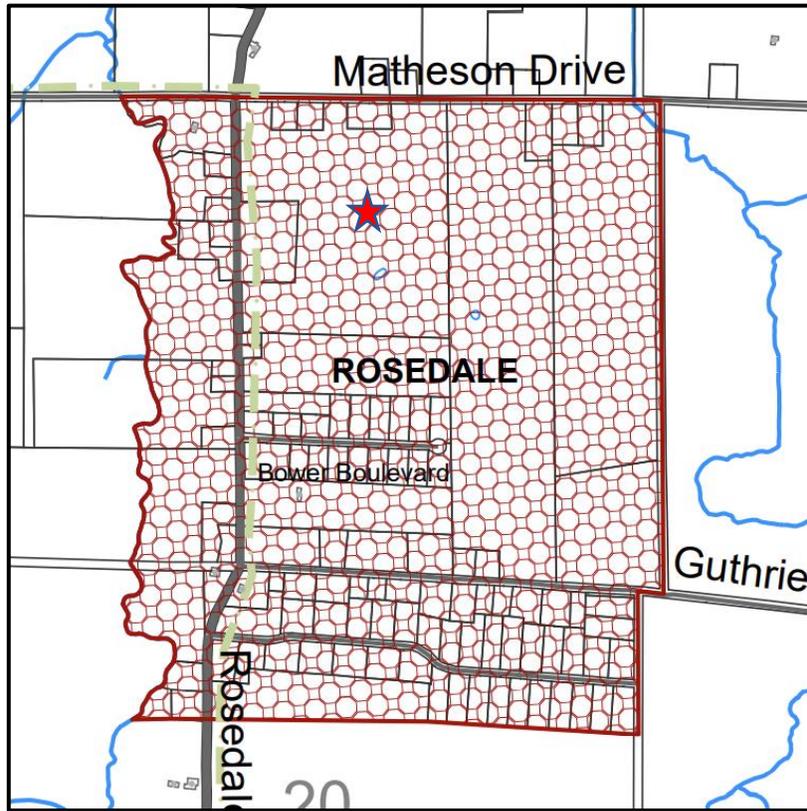
No additional comments were received from internal staff.

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 "B"

Official Plan – Schedule A

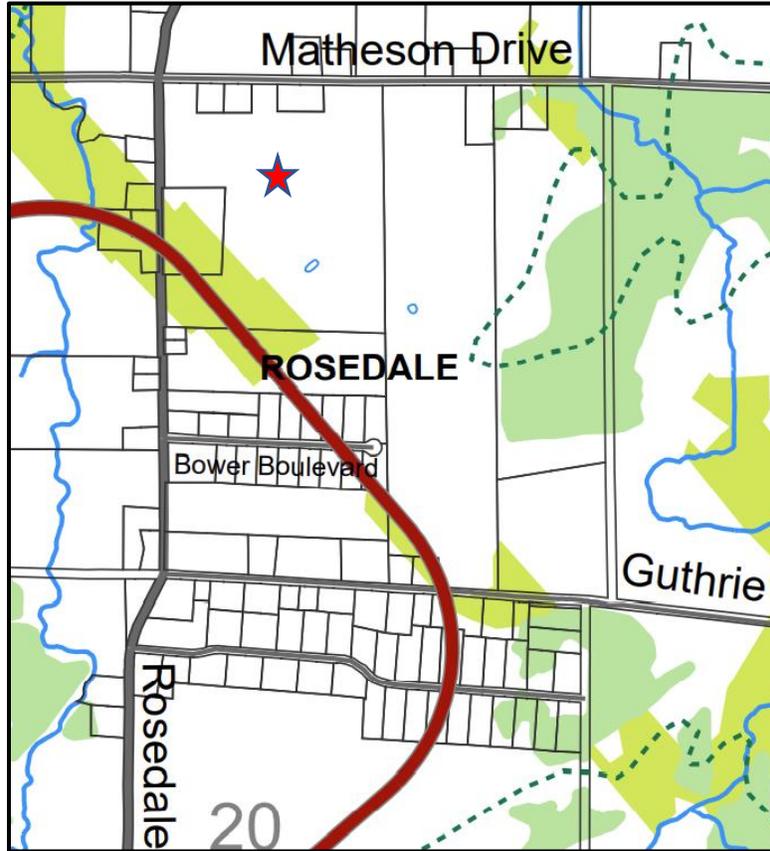


 Subject Land – Settlement Area designation

APPENDIX "C"

Official Plan – Schedule B

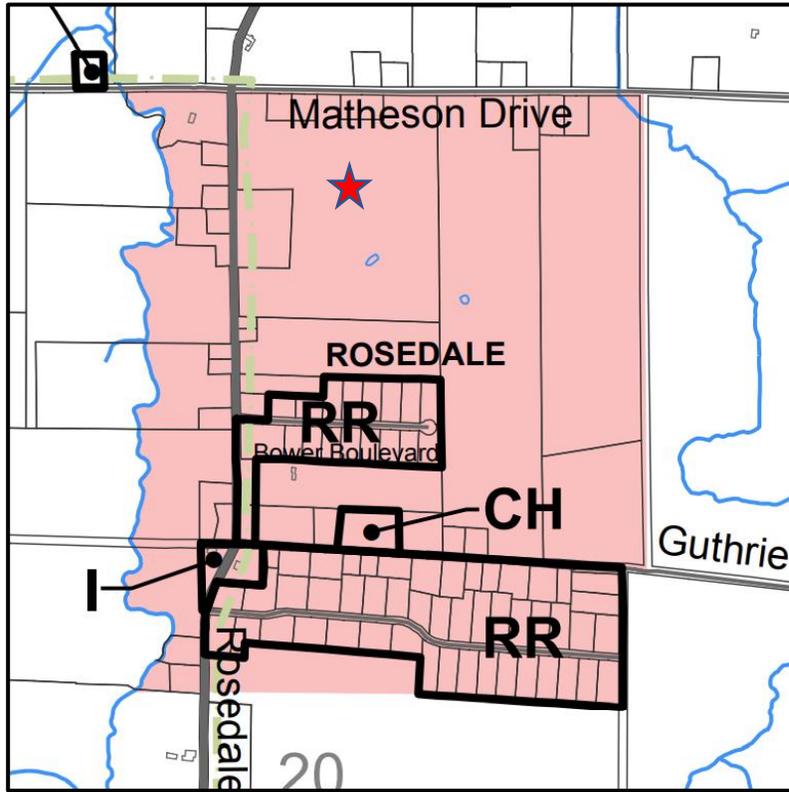
 NATURAL CORRIDORS



 Subject Land

APPENDIX "D"

Zoning By-Law



 Subject Land: Rural (RU) with Settlement Area Overlay

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 with a registered copy of all reference plans associated with this application. Surveys shall be provided in paper and digital format.*
- 4) *The Applicant shall obtain a Civic Address Number from the Township of Montague for the retained lands. The applicant shall consult directly with the Township in this regard.*
- 5) *The Applicant shall confirm that a residential entrance to the severed lot is viable. The Applicant shall consult directly with the Township of Montague in this regard.*
- 6) *The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.*
- 7) *Sufficient land for Road Widening purposes shall be conveyed as required to the Township of Montague by registered deed, to meet the road widening requirements of 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 a good and marketable title for assumption. The Manager of Public Works shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.*
- 8) *The Applicant shall enter into a Development Agreement with the Township of Montague, which will be registered on title at the Applicant's expense, to address the recommendations noted in McIntosh Perry's Scoped Hydrogeological Investigation (Version 2), dated August 12th, 2022.*