



**THE CORPORATION OF THE
TOWNSHIP OF MONTAGUE**

January 20th, 2023

**Prepared By: Kirsten Cote, Junior Planner
Reviewed By: Forbes Symon, Contract Planner**

Smith Consent Application – Lanark County File B22-156

1. LOCATION AND DESCRIPTION

The subject property is located in Part of Lot 6, Concession 7, Township of Montague, and is municipally known as 746 William Campbell Road. The property totals approximately 57.15 hectares, from which a 1.22 hectare parcel of land 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 (B22-156):** The Applicant is proposing to sever a 1.22 hectare parcel of land with 46m of frontage on William Campbell 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 57.15 hectares in size with 196 meters of frontage on William Campbell Road, a Township maintained road. This lot is currently occupied by a dwelling serviced by private well and septic, 1 livestock facility and several outbuildings.

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 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 to construct a dwelling serviced by private well and septic. The retained parcel is currently occupied by a dwelling serviced by private well and septic, 1 livestock facility and several outbuildings, with no current plans for development.

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

3.2 Official Plan

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

3.6.2 Within the Rural area, a variety of land uses shall be permitted including agriculture, forestry, 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. An active railway is located within 50m of the retained lands to the North and a Hydro Corridor crosses the retained lands.

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 has provided the required MDS1 calculations demonstrating the existence of a livestock facility on the retained lands although outside of the calculated Building Base Distance. Accordingly, the presence of this livestock facility is not anticipated to have a negative impact on the proposed severed lot.

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.

Pursuant to the Township's Screening Checklist, a Hydrogeological Assessment was required to be submitted to support the proposed development. The Applicant has obtained this documentation, which has been provided to the County of Lanark as part of their application package.

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.

There is a small segment of organic soils located at the rear of the retained lands, as identified in Appendix "C" herein. The Applicant has not proposed any development on the retained lands but, should they wish to do so in future, there is sufficient buildable area outside of this constraint.

2.21.1(2) Development and site alteration such as filling, grading and excavating that would change the landform and natural vegetative characteristics of the site on lands adjacent to the Natural Heritage A designation shall not be permitted 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 wetland's natural features or ecological functions. An environmental impact assessment will be required in accordance with the requirements of the Environmental Impact Assessments section of this Plan.

There are Provincially Significant Wetlands located at the rear of the retained parcel, as identified in Appendix "C" herein. The Applicant has not proposed any development on the retained lands but, should they wish to do so in future, they will be required to comply with the setback provisions set out in the Township's Zoning By-Law.

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 area identified on Schedule B or adjacent lands, the approval authority shall require an environmental impact assessment demonstrating no negative impacts on the natural features or their ecological functions...

There is a large area of Significant Wildlife Habitat on the subject property, as identified in Appendix "C" herein. As the severed parcel is located fully within this designation, the Applicant was required to obtain an Environmental Impact Statement to demonstrate that the proposed development would not have a negative impact on this natural heritage feature. The Applicant has obtained this documentation, which has been provided to the County of Lanark as part of their application package. The recommendations and mitigation measures contained in this report will be required to be addressed in a Development Agreement between the Applicant 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 a large Significant Woodlands designation on the retained lands, as identified in Appendix “C” herein. The Applicant has not proposed any development on the retained lands but, should they wish to do so in future, will be required to comply with the setback provisions set out in the Township’s Zoning By-Law.

2.23.1(2)(1)(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.

A watercourse runs through the front portion of the retained lands and the rear portion of the severed lands, as identified in Appendix “D” herein. The Applicant will be required to enter into a Development Agreement with the Township, which will be registered on title, to identify a suitable building envelope outside of the 30m watercourse setback.

A Hydro Corridor runs through the retained lands, identified in Appendix “B” herein. The Applicant has not proposed any development on the retained lands but, should they wish to do so in future, will be required to comply with Hydro One’s required setback provisions.

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, two lots have been severed from this parcel since January 1st, 2001. This severance would constitute the third and final eligible parcel. 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 Environmental Protection – A (EP-A), as illustrated in Appendix “E” herein. The RU zone, where the proposed severed lot is located, 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 and EP-A zones.

4. INTERNAL COMMENTS

The Chief Building Official advised that he had no comments.

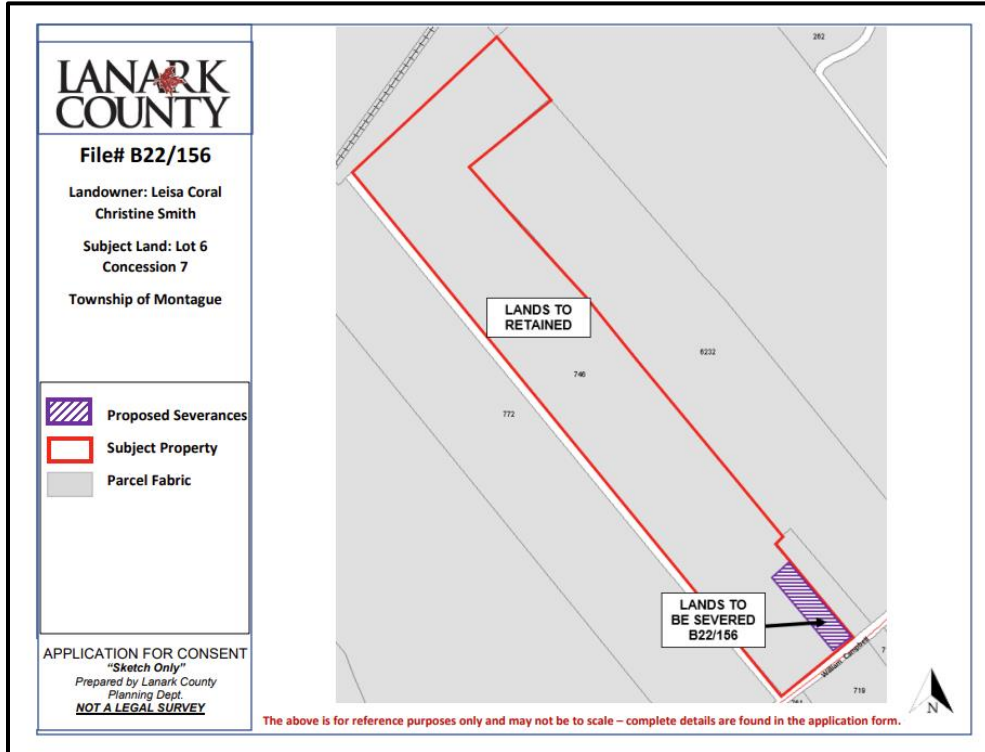
No additional comments were received from internal staff.

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 "F" are approved.

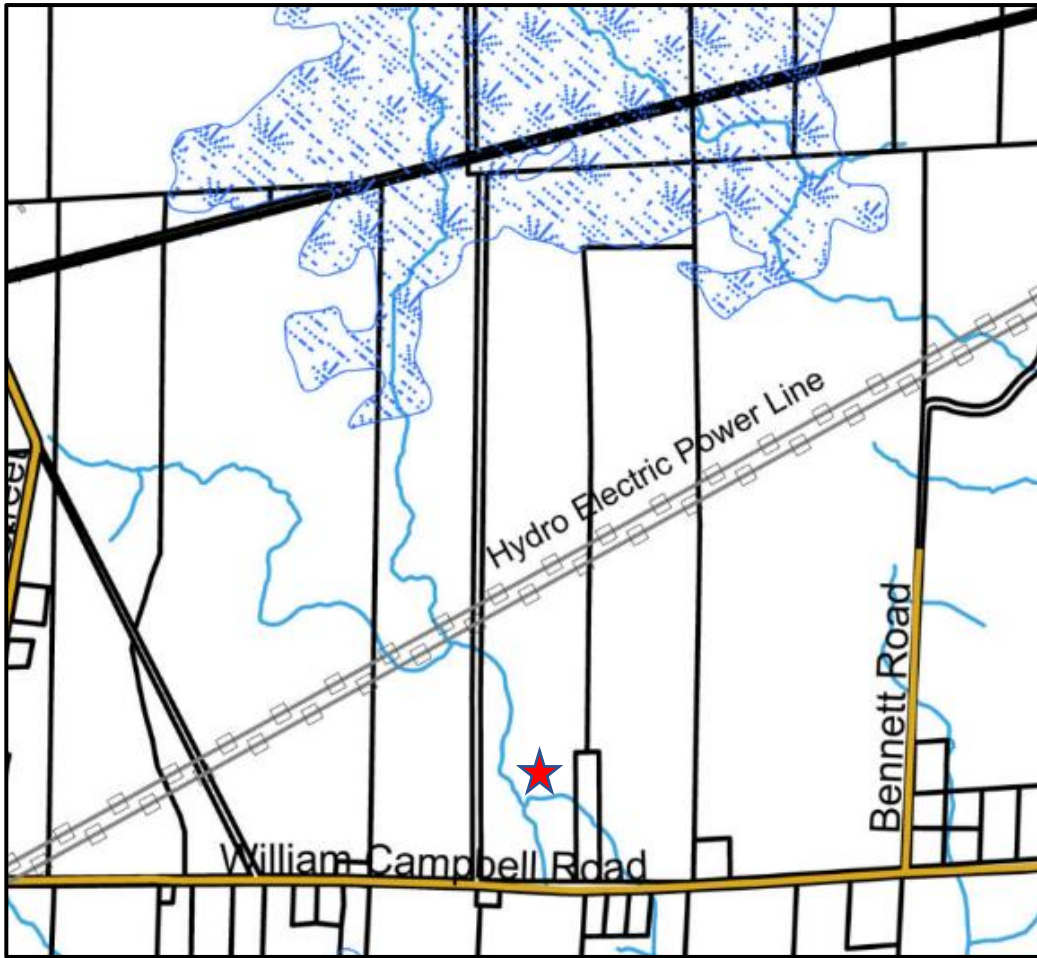
APPENDIX "A"

Key Map



APPENDIX "B"





Official Plan – Schedule A

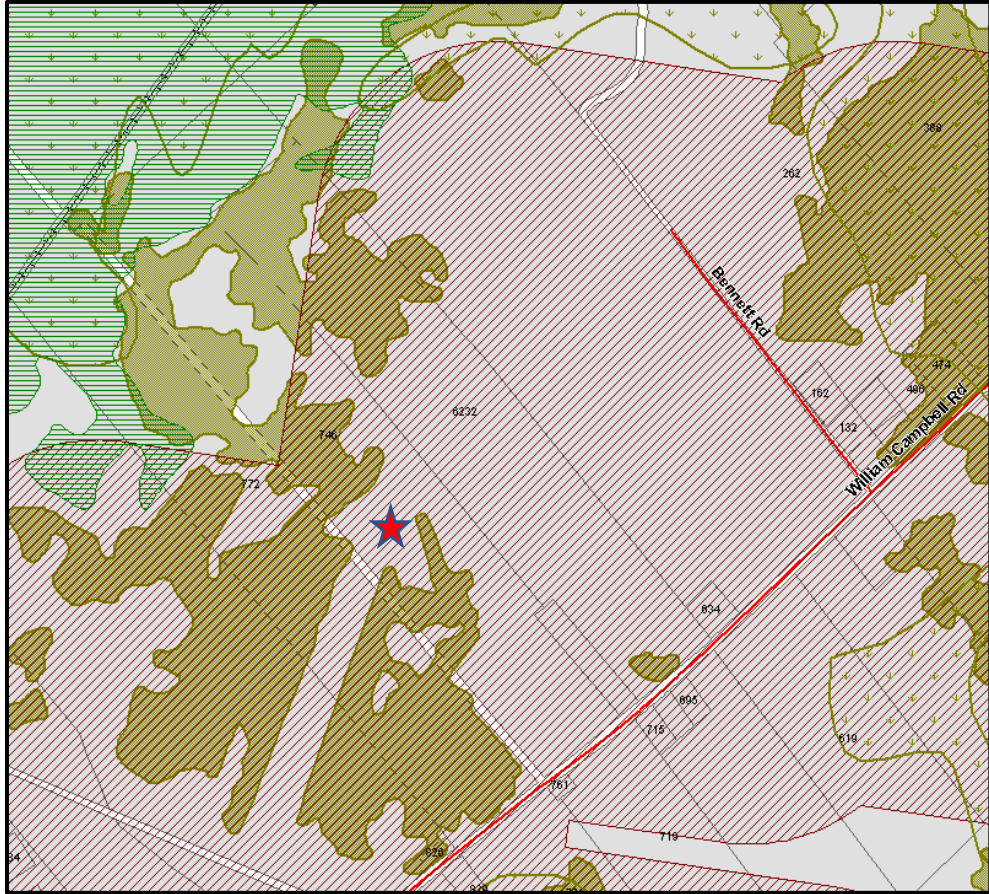



★ Subject Land – Rural designation

APPENDIX "C"

Official Plan – Schedule B

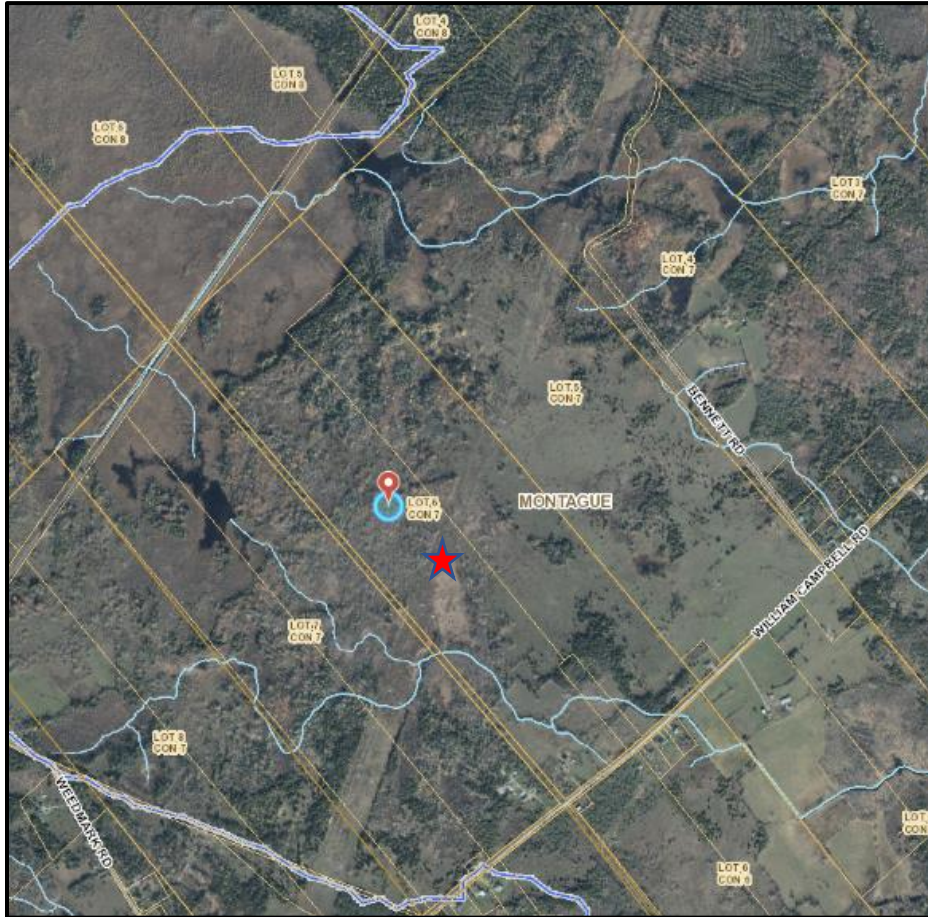
-  Significant Wildlife Habitat
-  Provincially Significant Wetlands
-  Significant Woodlands
-  Organic Soils



 Subject Land

APPENDIX "D"

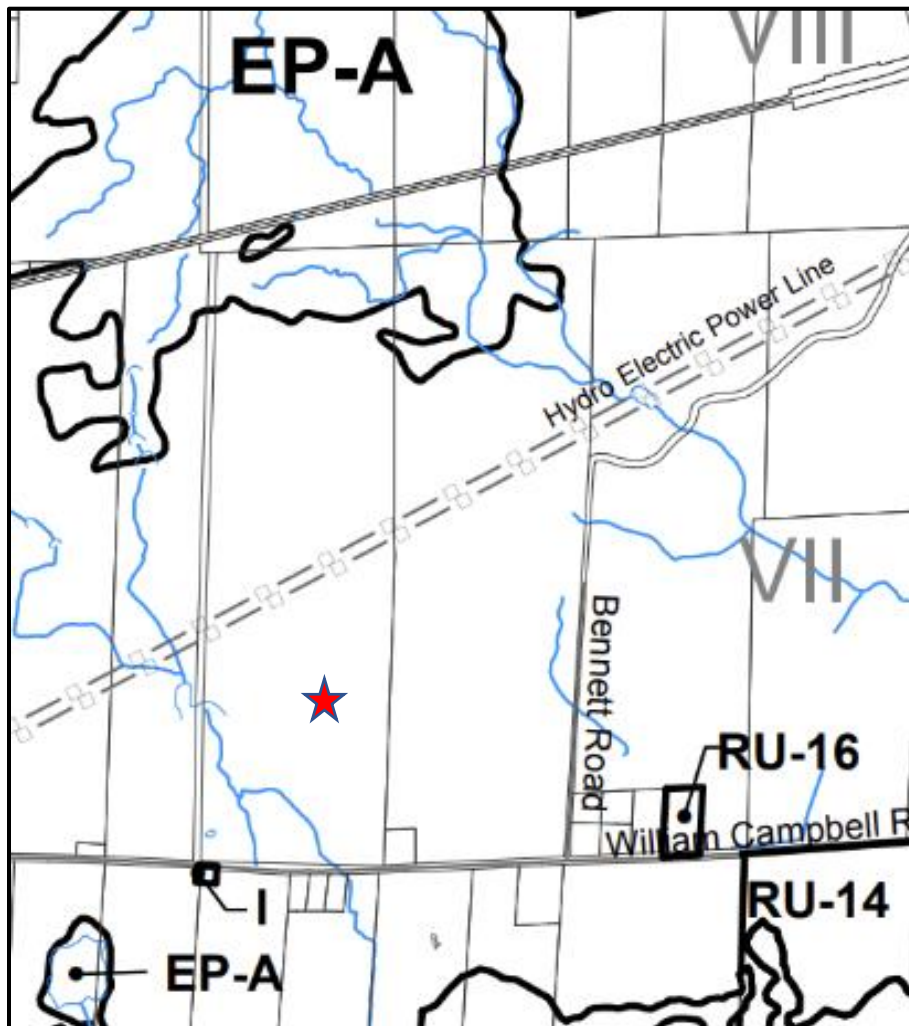
RVCA Mapping – Watercourses



★ Subject Land

SCHEDULE "E"

Zoning By-Law



★ Subject Land: Rural (RU) and Environmental Protection – A (EP-A)

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 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 severed lands. The Applicant shall consult directly with the Township in this regard.*
- 5) *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.*
- 6) *The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.*
- 7) *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:*
 - *identify a suitable building envelope for the severed lands outside of the 30m watercourse setback;*
 - *address the recommendations noted in Gemtec's Scoped Hydrogeological Investigation, dated September 2nd, 2022, and its subsequent peer review; and*
 - *address the recommendation and mitigation measures noted in Gemtec's Environmental Impact Assessment dated November 16th, 2022, and its subsequent peer review.*
- 8) *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 Municipality 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.*