



THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

September 30th, 2024

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

2362159 Ontario Ltd. Consent Application – Lanark County File B24-096

1. LOCATION AND DESCRIPTION

The subject property is in Part of Lot 11, Concession A, Township of Montague, and is municipally known as 626 County Road 43. The property totals approximately 2.603 hectares. One (1) parcel of land, 1.6 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 (B24-096):** The Applicant is proposing to sever a 1.6 hectare parcel of land with approximately 338.6m of frontage on County Road 43 (maintained by the County of Lanark). This proposed severed lot is currently vacant with plans to construct a dwelling and will be serviced by a private well and septic system.
2. **Retained Lot:** This parcel is 1.003 hectares in size with approximately 125m of frontage on County Road 43. This proposed retained lot contains a dwelling and workshop and is serviced by a private well and septic system. There are no plans for future 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 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.

The lot to be severed is vacant and is proposed to be developed with a dwelling that will be serviced by a private well and septic system.

The retained parcel is currently occupied by a dwelling and workshop and is serviced by a private well and septic system. There are no plans for future development.

Residential 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 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 Applicant has advised that there are no livestock facilities located within 750m of the subject lands.

2.17.4(2) ... certain land uses such as residences, day care centres and educational and health facilities may be particularly sensitive to the effects of odour, noise, vibration, and other emissions associated with facilities such as rail and road transportation corridors and various classes of industries. Recommended separation distances for these classes of industries are included in the relevant Ministry of the Environment, Conservation and Parks D-series land use compatibility guideline. Where proposed development is likely either to have or to be subject to a significant influence relating to an adjacent incompatible land use, a feasibility study which includes mitigation measures shall be undertaken in accordance with the relevant D-series guideline and to the satisfaction of the Township. Where required, a legally-binding commitment to implement mitigation measures shall be secured.

The proposed severed lot is located within the 30m setback from the Canadian Pacific Railway right-of-way and may be subject to noise and other impacts associated with rail activities. The Applicant obtained a Noise Review from BT Engineering and submitted same to the County of Lanark as part of their complete application. The recommendations contained in that report will be captured in a Development Agreement between the Owner and the Township of Montague.

2.18.2(1)(2) ... *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.;*

.....

As the proposed severed lot is within 300m of the Rideau River, an Archaeological Assessment was required. The Applicant obtained an Archaeological Assessment from Abacus Archaeological Services and submitted same to the County of Lanark as part of their complete application. A Stage 1 and 2 assessment was conducted on the proposed severed parcel and no significant archaeological resources were identified.

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 assessment required pursuant to this policy will be completed in accordance with the requirements of the Environmental Impact Assessments section of this Plan.*

The entirety of the subject lands are located within a Significant Wildlife Habitat, as illustrated in Appendix "C" herein. The Applicant obtained an Environmental Impact Study from BCH Environmental Consulting Inc. and submitted same to the County of Lanark as part of their complete application. The recommendations and conclusions in that report will be captured in a Development Agreement between the Owner and the Township of Montague.

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. The assessment required pursuant to this policy will be completed in accordance with the requirements of the Environmental Impact Assessments section of this Plan.*

There are scattered areas of significant woodlands on the proposed severed and retained parcels, as illustrated in Appendix "C" herein. The Applicant obtained an Environmental Impact Study from BCH Environmental Consulting Inc. and submitted same to the County of Lanark as part of their complete application. The recommendations and conclusions in that report will be captured in a Development Agreement between the Owner and the Township of Montague.

2.22.1(4) *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.*

2. *The development is taking place in an area of potential or known hydrologic sensitivity.*

3. *The development involves the creation of more than one building lot. A building lot is defined as a parcel of land suitable for residential development with a lot size less than or equal to 1*

hectare. For the purpose of clarity, where a development proposal involves the creation of more than one lot, and one or both of the lots is greater than one hectare, a hydrogeological assessment will not be required unless triggered by other criteria of this Section.

4. The development is located within a 150m circumference (i.e. circle) of seven (7) other existing developments serviced with private well and septic systems. The measurement of the circle will be from the midpoint of the proposed severed lot.

Pursuant to the Township's screening checklist, a Hydrogeological Assessment was not required.

3.3.3(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 A designation, subject to the provisions of the Natural Heritage Features section of this Plan and if supported by an Environmental Impact Assessment. Adjacent lands means those lands within 120 metres of the Natural Heritage A designation.

A portion of the proposed severed lot is located within the 120m setback from a Provincially Significant Wetland (a Natural Heritage A designation), as illustrated in Appendix "C" herein. The Applicant obtained an Environmental Impact Study from BCH Environmental Consulting Inc. and submitted same to the County of Lanark as part of their complete application. The recommendations and conclusions in that report will be captured in a Development Agreement between the Owner and the Township of Montague.

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. Adjacent lands means those lands within 120 metres of the Natural Heritage B designation, except for a provincially significant Area of Natural and Scientific Interest – Earth Science, for which adjacent lands means those lands within 50 metres.

A portion of the proposed severed lot is located within the 120m setback from an unevaluated wetland (a Natural Heritage B designation), as illustrated in Appendix "C" herein. The Applicant obtained an Environmental Impact Study from BCH Environmental Consulting Inc. and submitted same to the County of Lanark as part of their complete application. The recommendations and conclusions in that report will be captured in a Development Agreement between the Owner and the Township of Montague.

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 4070-2024, the subject property is zoned Rural (RU) – see Appendix "D" 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 zones.

4. INTERNAL COMMENTS

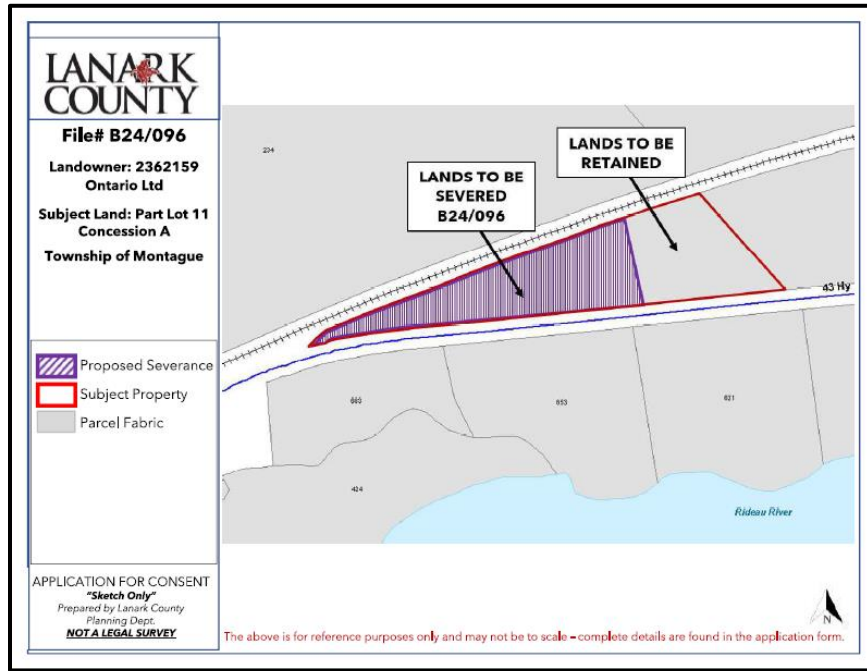
The Chief Building Official advised that he had no comments. No additional comments have been received from Township staff resulting from the internal circulation of this application.

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 "E" are approved.

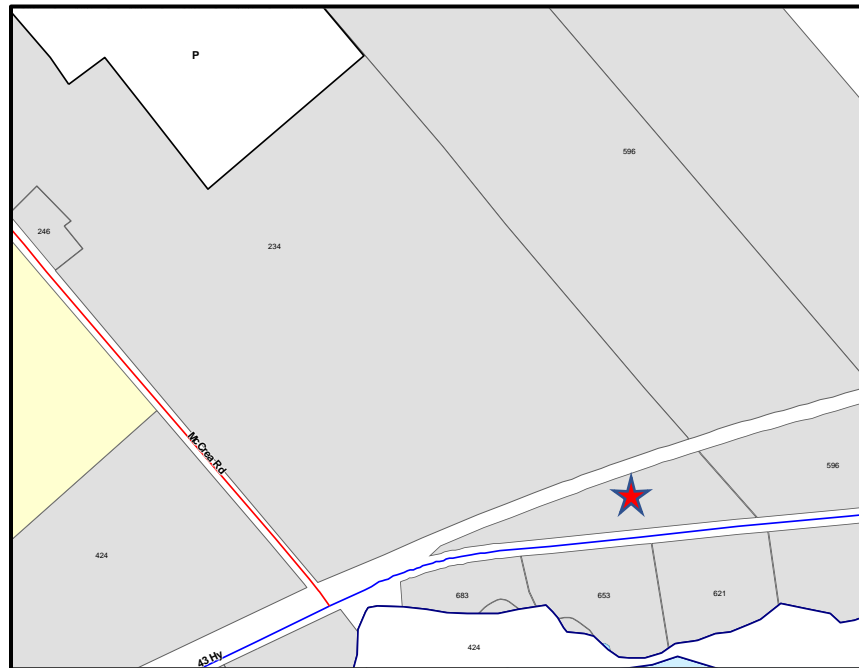
APPENDIX "A"


Key Map



APPENDIX "B"

Official Plan - Schedule "A"- Land Use



 Subject Land – Rural designation

APPENDIX "C"

Official Plan - Schedule "B"- Natural Heritage System

Provincially Significant Wetlands



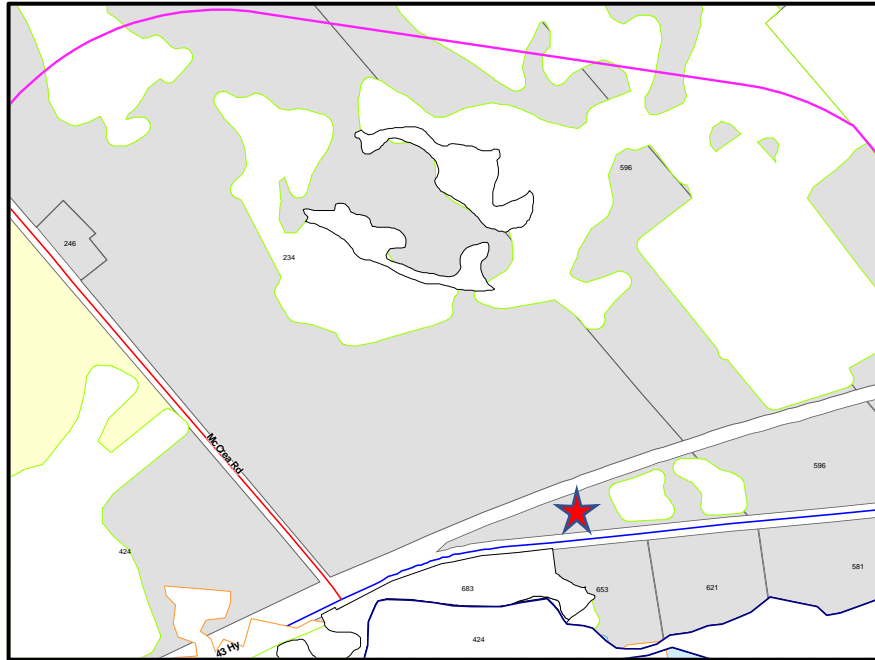
Significant Wildlife Habitat



Significant Woodlands



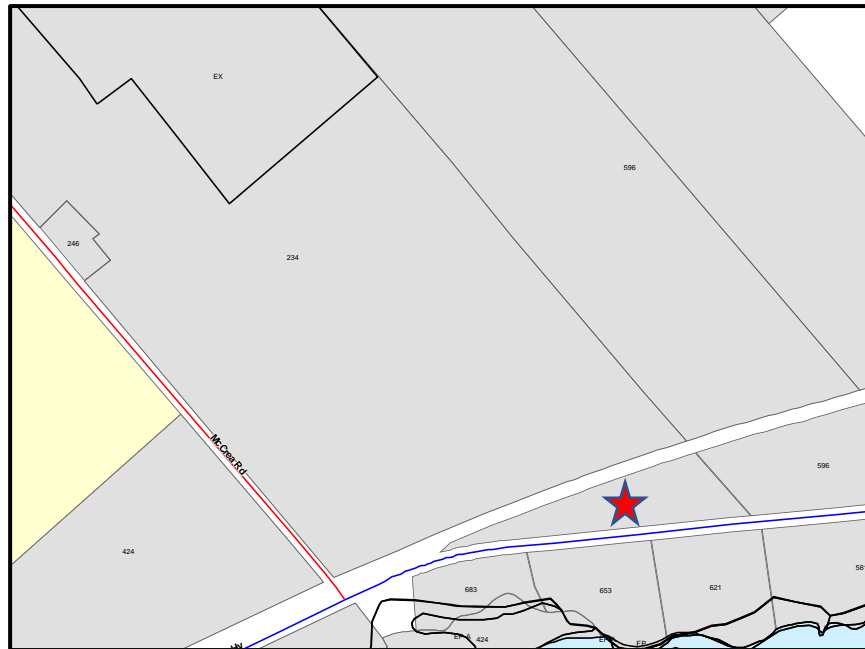
Unevaluated Wetland



Subject Land

APPENDIX "D"

Zoning By-Law



★ Subject Land: Rural (RU)

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 for the retained parcel. 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 County of Lanark in this regard and provide a copy of the approval to the Township of Montague.*
- 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 Owner 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 and conclusions noted in the Environmental Impact Study prepared by BCH Environmental, dated June 21st, 2023;*
 - *the recommendations noted in the Noise Review prepared by BT Engineering dated January 30th, 2024; and*
 - *the recommendations noted in the Archaeological Assessment prepared by Abacus Archaeological Services, dated July 19th, 2024.*