



THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

May 10th, 2024

Prepared By: Kirsten Cote, Junior Planner
Reviewed By: Forbes Symon, RPP, MCIP, Senior Planner

Streight and Norris Consent Application – Lanark County File B24-036

1. LOCATION AND DESCRIPTION

The subject property is in Part of Lot 20, Concession A, Township of Montague, and is municipally known as 1727 County Road 43. The property totals approximately 47.8 hectares. One (1) parcel of land, 1.8 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 (B24-036):** The Applicant is proposing to sever a 1.8 hectare parcel of land with 100m of frontage on County Road 43, a County maintained road. This proposed severed lot is currently vacant with plans to construct a dwelling serviced by a private well and septic system, and a garage.
2. **Retained Lot:** This parcel is 46 hectares in size with 125m of frontage on County Road 43, a County maintained road. This proposed retained lot contains a dwelling serviced by a private well and septic system, a barn and two sheds, with 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; 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.

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

The retained parcel is currently occupied by a dwelling serviced by a private well and septic system, a barn and two storage sheds, with no plans for future development.

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". 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, and a licensed quarry to the Northeast.

2.17.1(2)(1&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.

1. The influence area in relation to pits is 300 metres, except in the case of Class B pits where excavation is above the water table, in which case the influence area is 150 metres. The influence area in relation to quarries is 500 metres.

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.*

The majority of the subject lands are located within a potential bedrock designation, as illustrated in Appendix “C” herein. Additionally, there is a licensed quarry to the Northeast, as illustrated on Appendix “B” herein (identified with a “Q”). The Applicant was required to obtain a Mineral Resource Impact Assessment to address any land use compatibility concerns and submit same to the County along with their 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.

At the time of submission of the consent application, the Applicant provided MDS calculations for livestock facilities located within 750m of the subject lands and none of the calculated building base distances encroached onto the proposed severed parcel.

Since the date of signature of the MDS Form for 1681 County Road 43 in March of 2023, that landowner has constructed a livestock facility that results in a building base distance calculation that impacts the proposed severed lot.

Accordingly, the Applicant will be required to rezone the severed lands to Rural – Special Exception to acknowledge the new 143m building base distance of the encroaching livestock facility located at 1681 County Road 43 and its impact on the buildable area of the severed parcel.

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 front portion of this property is located within a significant wildlife habitat, as illustrated in Appendix “D” herein. The Applicant was required to obtain an Environmental Impact Assessment to demonstrate that the proposed development would not have negative consequences on these natural features. This study was submitted to the County along with the severance application.

There are areas of Natural Corridors and Linkages located at the rear of the subject lands, as illustrated in Appendix “D” herein. This natural feature is not impacted by the proposed lot severance.

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 small area of Significant Woodlands noted at the rear of the subject lands, as illustrated in Appendix “D” herein. This natural feature is not impacted by the proposed lot severance.

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. This watercourse is not impacted by the proposed lot severance.

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) – 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 permitted uses under the RU zone include dwellings, agricultural uses, and accessory structures.

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

4. INTERNAL COMMENTS

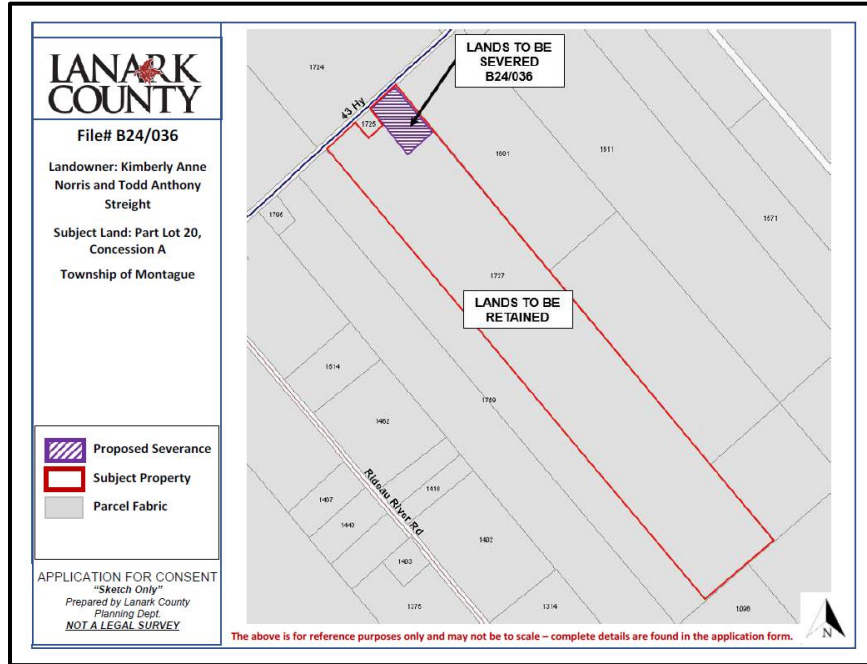
The Chief Building Official advised that he had no comments. No additional comments have been received from Township staff resulting from the internal circulation of this application.

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 “G” are approved.

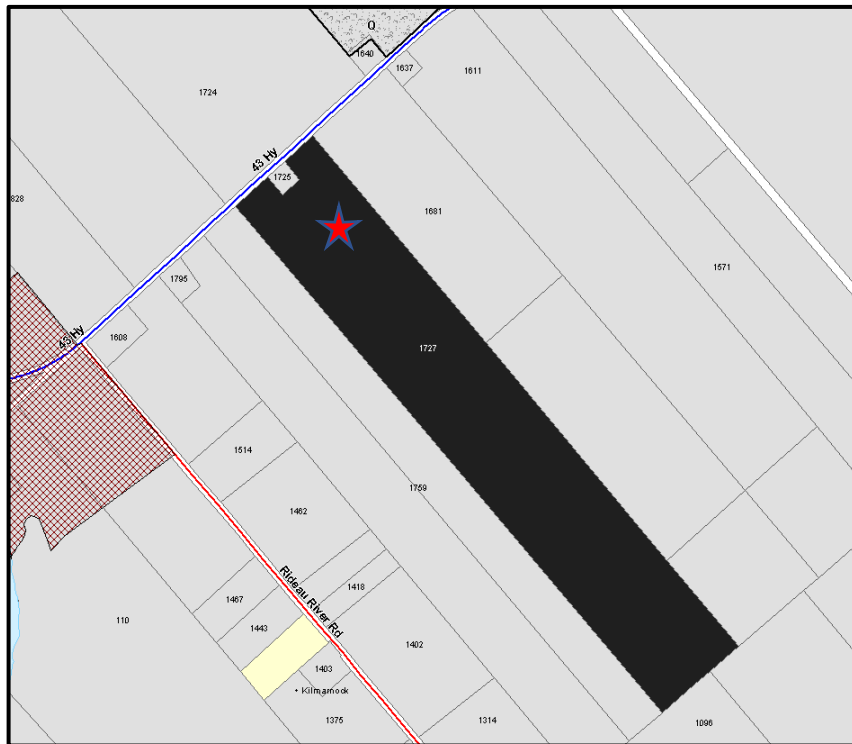
APPENDIX "A"

Key Map



APPENDIX "B"

Official Plan – Schedule "A"

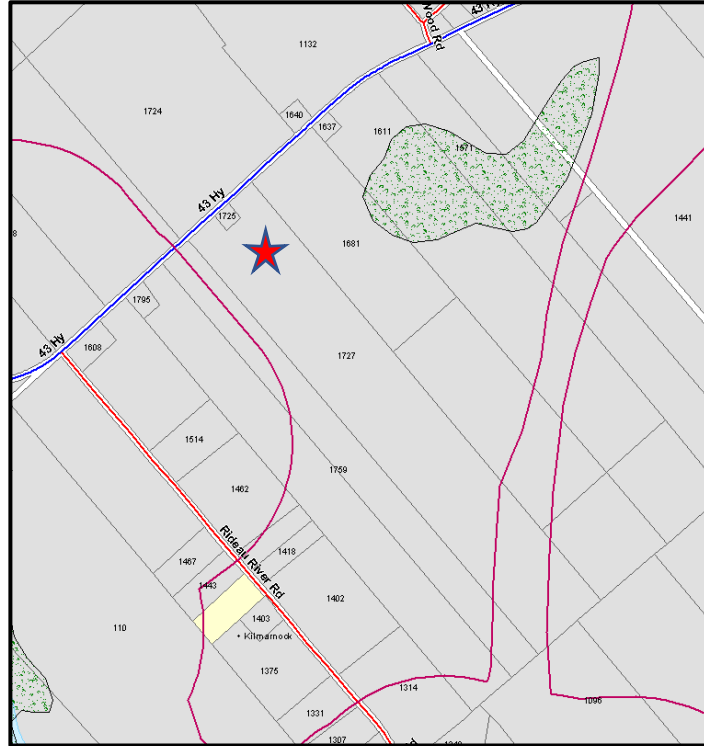


★ Subject Land – Rural designation

APPENDIX "C"

Official Plan – Constraints and Opportunities - Schedule "B"

Potential Bedrock Sources of Mineral Aggregate



 Subject Land

APPENDIX "D"

Official Plan - Natural Heritage System - Schedule "C"

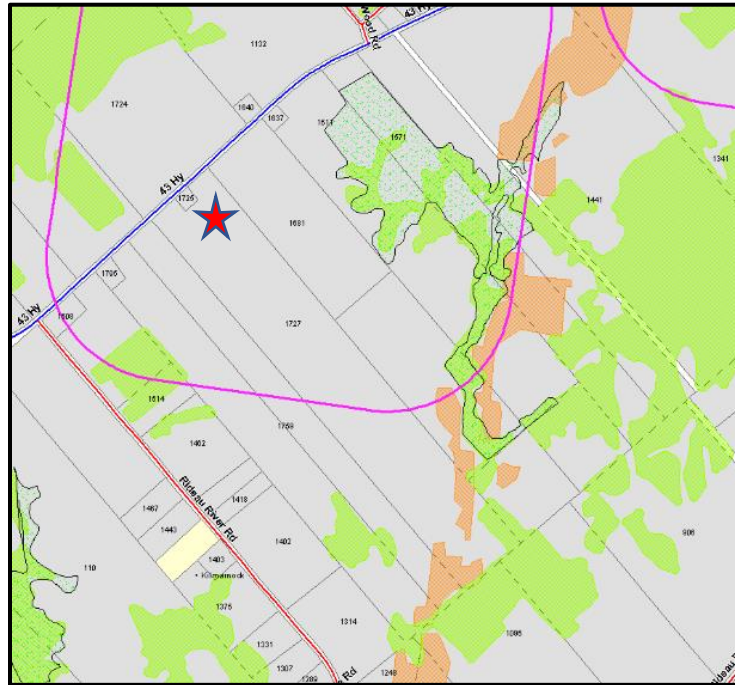
Natural Corridors and Linkages



Significant Wildlife Habitat



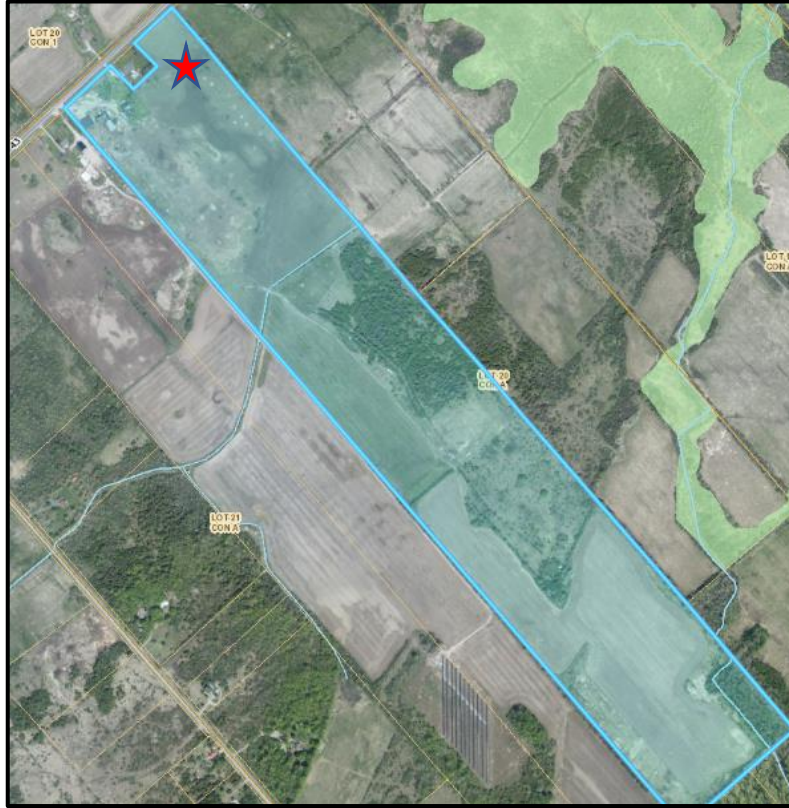
Significant Woodlands



 Subject Land

APPENDIX "E"

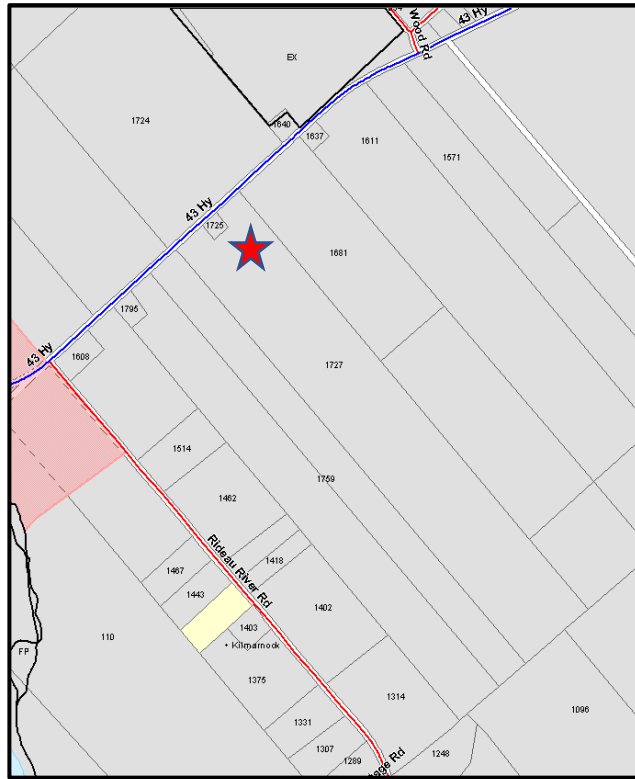
RVCA Mapping



★ Subject Land

APPENDIX "F"

Zoning By-Law



★ Subject Land: Rural (RU)

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 residential entrance to the subject lot is viable. The Applicant shall consult directly with the County of Lanark in this regard.*
- 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 rezone the severed lands to Rural – Special Exception to acknowledge the 143m building base distance of the encroaching livestock facility at 1681 County Road 43 and its impact on the buildable area of the severed parcel.*
- 9) *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:*
 - *contain the following clause: “The lands are in proximity to an existing aggregate operation and the occupants of the severed land may be susceptible to noise, dust, vibration and related impacts from time to time.”; and*
 - *address the mitigation recommendations noted in the Environmental Impact Assessment prepared by CM3 Environmental, dated March 22nd, 2024.*