



THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

August 30th, 2024

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

VandenTillaart Application – Lanark County File B24-076

1. LOCATION AND DESCRIPTION

The subject property is in Part of Lots 19 and 20, Concession 4, Township of Montague, and is municipally known as 1233 Rosedale Road South. The property totals approximately 2.31 hectares. One (1) parcel of land, 1.12 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 (B24-076):** The Applicant is proposing to sever a 1.12 hectare parcel of land with approximately 61.38m of frontage on Rosedale Road South and approximately 99.37m of frontage on Roger Stevens Drive. Both roads are County Roads maintained by the County of Lanark. This proposed severed lot is currently vacant with plans to construct a dwelling with an attached garage and will be serviced by a private well and septic system.
2. **Retained Lot:** This parcel is 1.19 hectares in size with approximately 103.4m of frontage on Rosedale Road South, a County road maintained by the County of Lanark. This proposed retained lot contains a dwelling with an attached garage and a storage shed, is serviced by a private well and septic system, and there are no 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...

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 proposed to be developed with a dwelling and attached garage and will be serviced by a private well and septic system.

The retained parcel is currently occupied by a dwelling with an attached garage and shed 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, commercial/industrial, institutional, and agricultural development.

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 encroach onto the proposed severed parcel.

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 was not required.

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 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...

There is a significant area of Natural Corridors and Linkages located on the subject lands, as illustrated in Appendix "C" herein. These features maintain connectivity and ecosystem diversity and are, for the purpose of the Township's Official Plan, considered to be Significant Wildlife Habitats. As a result, the Applicant was required to obtain an Environmental Impact Study in support of the proposed severance. This report was submitted to the County of Lanark as part of the complete application and the recommendations and mitigations in that report will be documented in a Development Agreement between the Owner and the Township.

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 Appendix "B" herein. As development is required to be a minimum of 30m from a watercourse, this will be documented in a Development Agreement between the Owner and the Township.

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. 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 "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, agricultural uses, and accessory structures.

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

4. INTERNAL COMMENTS

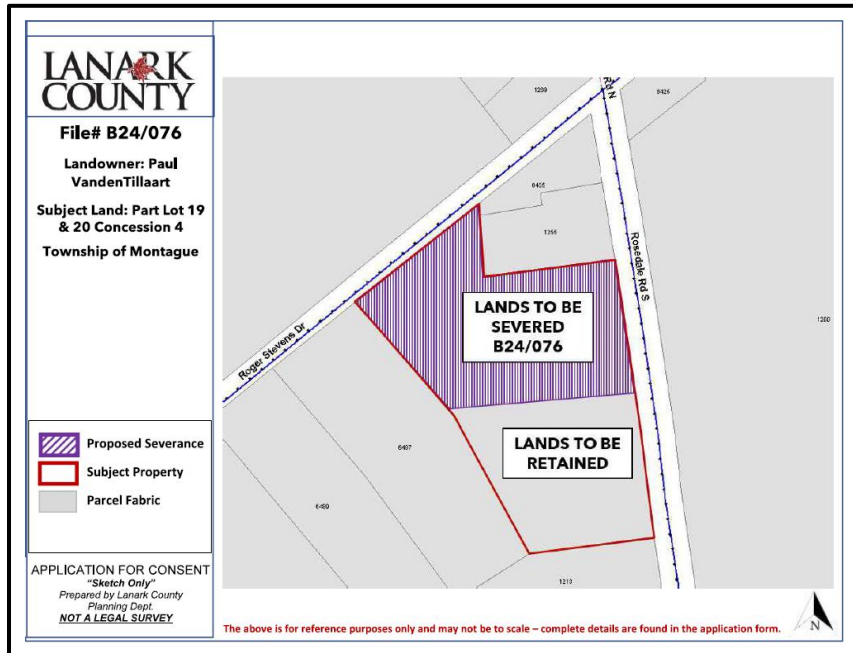
The Chief Building Official advised that he had no comments. No additional comments have been received from Township staff resulting from the internal circulation of this application.

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 "E" are approved.

APPENDIX "A"

Key Map



APPENDIX "B"

Official Plan - Schedule "A"- Land Use

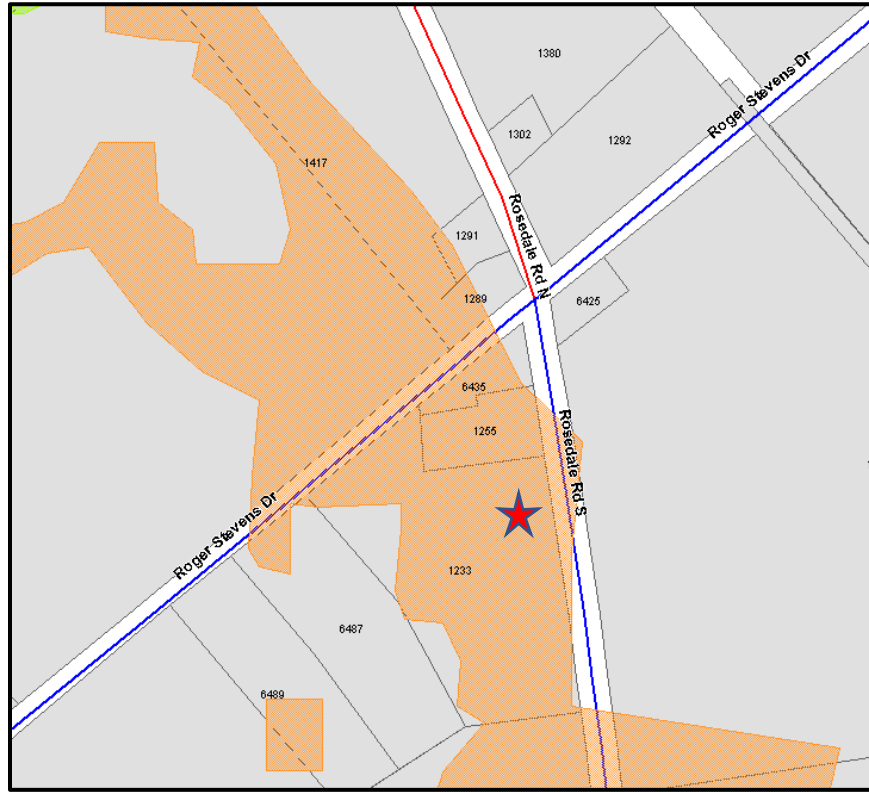


★ Subject Land – Rural designation

APPENDIX "C"

Official Plan - Schedule "C"- Natural Heritage System

Natural Corridors and Linkages



 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 mitigation measures noted in the Environmental Impact Study prepared by BCH Environmental, dated July 10th, 2024; and*
 - *contain a sketch of the proposed severed lot, identifying the watercourse and a building envelope outside of the 30m watercourse setback.*