



THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

September 5th, 2023

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

Campbell Consent Application – Lanark County Files B23-079/080/081

1. LOCATION AND DESCRIPTION

The subject property is located in Part of Lot 16, Concession 10, Township of Montague, and is located on Pinery Road.

The property totals approximately 44.53 hectares. Three (3) parcels of land, one of which is 0.98 hectares in size and two of which are 0.99 hectares in size, are proposed to be severed. (See Appendix “A”)

2. PROPOSED CONSENT

The applicant proposes to sever three (3) new lots from the subject property with the following characteristics:

1. **Severed Lot (B23-079):** The applicant is proposing to sever a 0.98 hectare parcel of land with 60m of frontage on Pinery Road, a Township maintained road. This lot is currently vacant with plans for development with a dwelling serviced by a private well and septic system.
2. **Severed Lot (B23-080):** The applicant is proposing to sever a 0.99 hectare parcel of land with 60m of frontage on Pinery Road, a Township maintained road. This lot is currently vacant with plans for development with a dwelling serviced by a private well and septic system.
3. **Severed Lot (B23-081):** The applicant is proposing to sever a 0.99 hectare parcel of land with 60m of frontage on Pinery Road, a Township maintained road. This lot is currently vacant with plans for development with a dwelling serviced by a private well and septic system.
4. **Retained Lot:** This parcel is 41.57 hectares in size with 91.2m of frontage on Pinery Road, a Township maintained road. This lot is currently vacant with plans for development with a dwelling serviced by a private well and septic system.

These applications are resubmissions (with minor modifications) to applications previously submitted under Consent Files B19-112, B19-113 and B19-114, that lapsed in 2021.

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 lots to be severed are currently vacant with plans for development with dwellings serviced by private well and septic systems.

The retained parcel is currently vacant with plans for development with a dwelling serviced by a private well and septic system.

Residential land uses are permitted in Rural Areas. Accordingly, the severed lots 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”. 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.

*2.21.1 (1)...Locally-significant wetlands are subject to the policies of the associated **Natural Heritage B** section of this Plan.*

*3.4.3(1) Development or site alteration such as filling, grading, and excavating that would change the landform and natural vegetative characteristics of the site shall not generally be permitted within the Natural Heritage B designation. Development or site alteration may be permitted, subject to the **Environmental Impact Assessments** section of this Plan and an amendment to the Zoning By-law.*

There are areas of unevaluated wetlands on the subject lands, as illustrated in Appendix “C” herein. The Applicant obtained an Environmental Impact Statement (EIS) at the time of their previous submissions, prepared by GEMTEC Consulting Engineers and Scientists Ltd., dated September 3rd, 2019. The current application submissions noted a requirement by the Township that confirmation be obtained that the recommendations noted in GEMTEC’s aforementioned report continue to be in effect.

*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 areas of significant woodlands on the subject lands, as illustrated in Appendix “C” herein. The Applicant obtained an Environmental Impact Statement (EIS) at the time of their previous submissions, prepared by GEMTEC Consulting Engineers and Scientists Ltd., dated September 3rd, 2019. The current application submissions noted a requirement by the Township that confirmation be obtained that the recommendations noted in GEMTEC’s aforementioned report continue to be in effect.

2.22.1(4) A Hydrogeological and Terrain assessment is required when any of the following apply:

(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.

Pursuant to the Township’s screening checklist, a Hydrogeological Assessment will be required as a condition of consent.

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.

As indicated on the RVCA mapping in Appendix “D” herein, there is a watercourse on the subject lands that requires a 30m setback for future development of the retained lands. As the proposed lots are outside of this influence area, no further action is necessary 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.

According to our records, there have been no lots severed from this parcel since January 1st, 2001.

5.2.3(1)(a) Notwithstanding the above policy, where an application for consent has frontage on a Township Road that has been classified as “deficient” (a condition rating of 4) in the 2020 Roads Needs Study, as amended, Council shall limit the number of consents to a maximum of 1 new lot (excluding the retained lot) from a land holding as it existed on January 1, 2001.

The proposed severed lots are located on Pinery Road, a Township Road with a condition rating of “4”. Pursuant to the above-referenced policy, an application submitted on or after the date of the Official Plan consolidation, namely May 23rd, 2023, would only allow for the creation of one lot. However, discussions with the applicant regarding severability commenced prior to this date and the applications were prepared and signed by the applicant prior to this date. Accordingly, the Township is prepared to support the lots as proposed, subject to the conditions noted in Appendix “F” herein.

3.3 Zoning By-Law

Under the Township’s Zoning By-Law 3478-2015, the subject property is zoned Rural (RU) – see Appendix “E” 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 zone.

4. INTERNAL COMMENTS

The Manager of Public Works has reviewed the applications and has provided the following comments:

- 1) Due to the proximity to other residential entrances and previously completed severances, these lots may have to be accessed by a shared entrance.*
- 2) These properties are on a gravel roadway and will be likely affected by dust caused by vehicular traffic.*

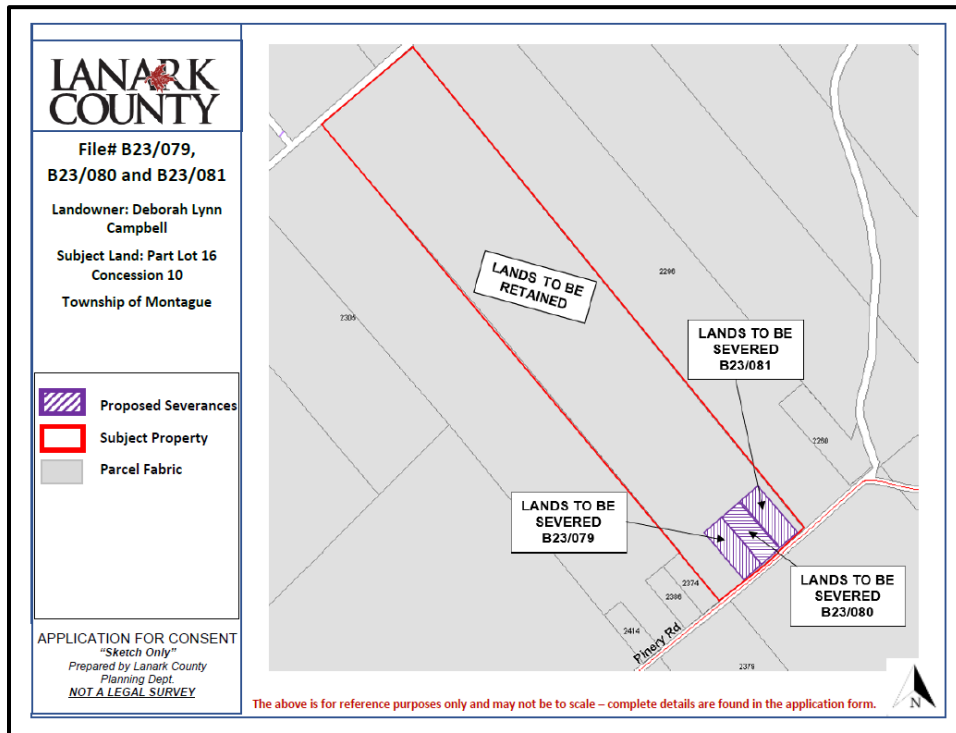
No additional comments have been received from Township staff resulting from the internal circulation of these applications.

5. CONCLUSIONS

Based on the foregoing, the proposed consent applications are consistent with the PPS, and conform with the provisions of the Township's Official Plan and Zoning By-Law, provided that the recommended conditions in Appendix "F" are approved.

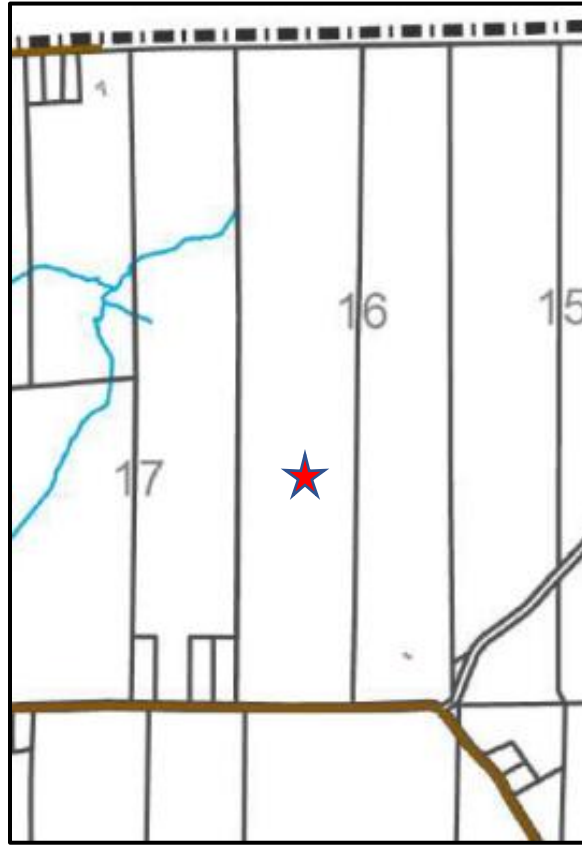
APPENDIX "A"

Key Map



APPENDIX "B"

Official Plan – Schedule "A" – Land Use

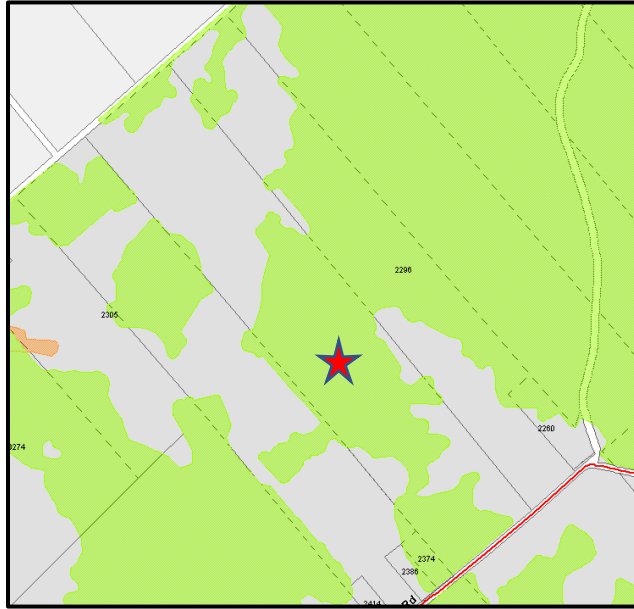


★ Subject Land – Rural designation

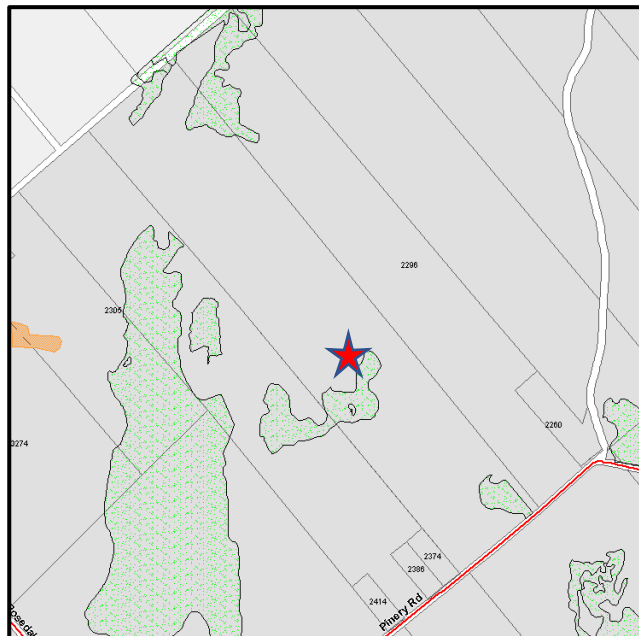
APPENDIX "C"

Official Plan – Schedule "C" – Natural Heritage System

Significant Woodlands

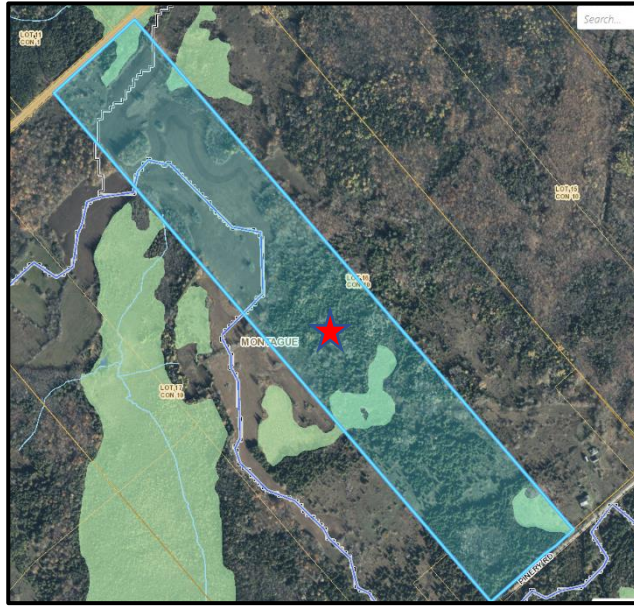



Unevaluated Wetlands



APPENDIX "D"

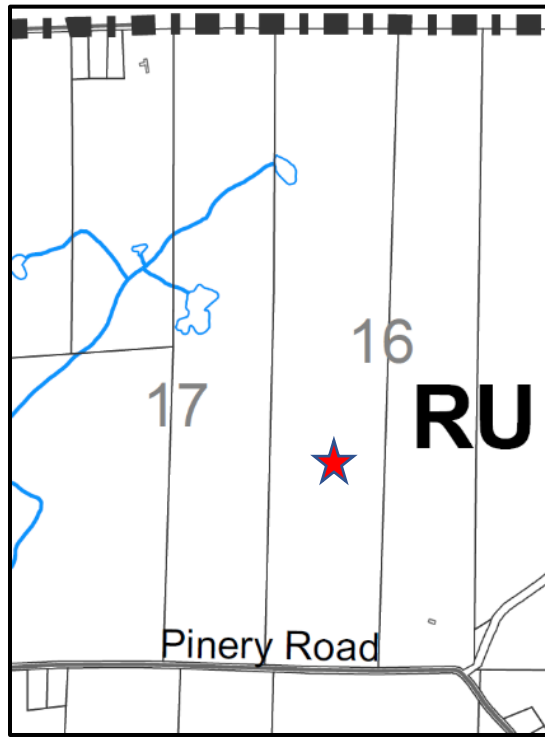
RVCA Mapping - Watercourse



 Subject Land

APPENDIX "E"

Zoning By-Law



★ Subject Land: Rural (RU)

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 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 Civic Address Numbers from the Township of Montague. The Applicant shall consult directly with the Township in this regard.*
- 6) *The Applicant shall confirm that residential entrances to the subject lots are viable. The Applicant shall consult directly with the Township of Montague 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) *Sufficient land for Road Widening purposes shall be deeded to the Township by registered deed, to meet the Township's road widening requirements, at no cost to 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 good and marketable title. The Manager of Public Works shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.*
- 9) *That the Owner(s) provide certification to the Lanark County Land Division and the Township of Montague that wells have been constructed on the properties and that the quality and quantity of the water meets the Ministry of Environment and Climate Change, Regulations, Standards, Guidelines and Objectives. The certification must be prepared by a qualified Professional Engineer, or Professional Geoscientist and it is the Owner's/Applicant's responsibility to coordinate the company/person drilling the wells and the professional noted herein in order to properly satisfy this condition. Alternatively, should the Owner/Applicant not wish to proceed with the drilling of the wells at this time, the owner/applicant shall prepare a "Scoped Hydrogeological Evaluation Report" by a Professional Engineer, or Professional Geoscientist to demonstrate a favourable groundwater quantity assessment, groundwater quality assessment, terrain evaluation and water quality impact risk analysis in accordance with the "Scoped Hydrogeological Report Requirements" guidelines dated July 2, 2015.*
- 10) *The Applicant shall enter into a Development Agreement with the Township of Montague for the severed lots. The wording of the agreement shall be acceptable to the Municipality and shall address the recommendations in:*
 - *the Environmental Impact Statement prepared by GEMTEC Consulting Engineers and Scientists Ltd., dated September 3rd, 2019, and any updates thereto resulting from the required confirmation that the recommendations noted in the 2019 report continue to be in effect;*
 - *the Hydrogeological Assessment and its associated peer review.**The Development Agreement shall also contain a clause that the severed lots are located on a "deficient" gravel road and have potential to be negatively impacted by dust associated with vehicular traffic.*