



THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

October 4th, 2024

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Lucas Consent Application – Lanark County File B24-104

1. LOCATION AND DESCRIPTION

The subject property is in Part of Lot 20, Concession 5, Township of Montague, and is municipally known as 2097 Nolan's Road. The property totals approximately 40.5 hectares. One (1) parcel of land, 1.4852 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 (B24-104):** The Applicant is proposing to sever a 1.4852 hectare parcel of land with approximately 122m of frontage on Nolan's Road (maintained by the Township of Montague). 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 proposed parcel is 39.0148 hectares in size with approximately 418m of frontage on Nolan's Road (maintained by the Township of Montague). This parcel contains a dwelling, shed, communications tower and outbuilding 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.*

3.1.1 *Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:*

...

c) hazardous sites.

3.1.8 *Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.*

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, shed, communications tower and outbuilding, 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 (including the adjacent Settlement Area of Nolan's Corners), forested areas 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 provided completed MDS forms from livestock facility owners within 750m of the subject lands. None of the calculated building base distances impact the proposed severed parcel.

2.19.2(1) ...Where lands that are the subject of development proposals have been identified as potentially possessing organic soils, development will be encouraged to locate outside of areas identified with organic soils, where feasible. 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 are areas of organic soils on the proposed retained lot, as illustrated in Appendix “C” herein. As there is no development proposed in the vicinity of this constraint, no further action is required by the Applicant in support of this application.

2.19.5 The Provincial Policy Statement defines hazardous forest types for Wildland Fire as forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ministry of Natural Resources and Forestry, as amended from time to time. Development shall generally be directed to areas outside of lands that are unsafe due to the presence of hazardous forest types for wildland fire. However, development may be permitted in lands with hazardous forest types where the risk is mitigated in accordance with the Wildland Fire Risk Assessment and Mitigation Reference Manual prepared by the Ontario Ministry of Natural Resources and Forestry, 2017 or such updated manual or checklist prepared by the Township which shall be consistent with the PPS (2020).

There are small areas of Wildland Fire Hazard – High at the rear of the proposed retained parcel, as illustrated in Appendix “C” herein. As there is no development proposed in the vicinity of this constraint, no further action is required by the Applicant in support of this application.

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 majority of the subject lands are located within a Significant Wildlife Habitat, as illustrated in Appendix “D” herein. The Natural Corridors and Linkages, identified in Appendix “D” herein, are, for the purpose of the Township’s Official Plan, also considered to be Significant Wildlife Habitat.

The Applicant obtained an Environmental Impact Assessment from CM3 Environmental Inc. and submitted same to the County of Lanark as part of their complete application. The recommendations 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 areas of significant woodlands on the proposed retained parcel, as illustrated in Appendix “D” herein. As this natural heritage feature is located outside of the area proposed to be developed, the Applicant was not required to obtain an Environmental Impact Assessment in support of their application.

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, due to the size of the proposed severed lot, a Hydrogeological Assessment was not required.

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.

There are areas of the retained parcel containing unevaluated wetlands (a Natural Heritage B designation), as illustrated in Appendix “D” herein. As this natural heritage feature is located outside of the area proposed to be developed, the Applicant was not required to obtain an Environmental Impact Assessment in support of their application.

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 “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.

The communication tower on the proposed retained parcel, defined as a Public Use under the Township's Zoning By-law, is a permitted use pursuant to Section 4.23 of Zoning By-law 4070-2024.

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

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 "F" are approved.

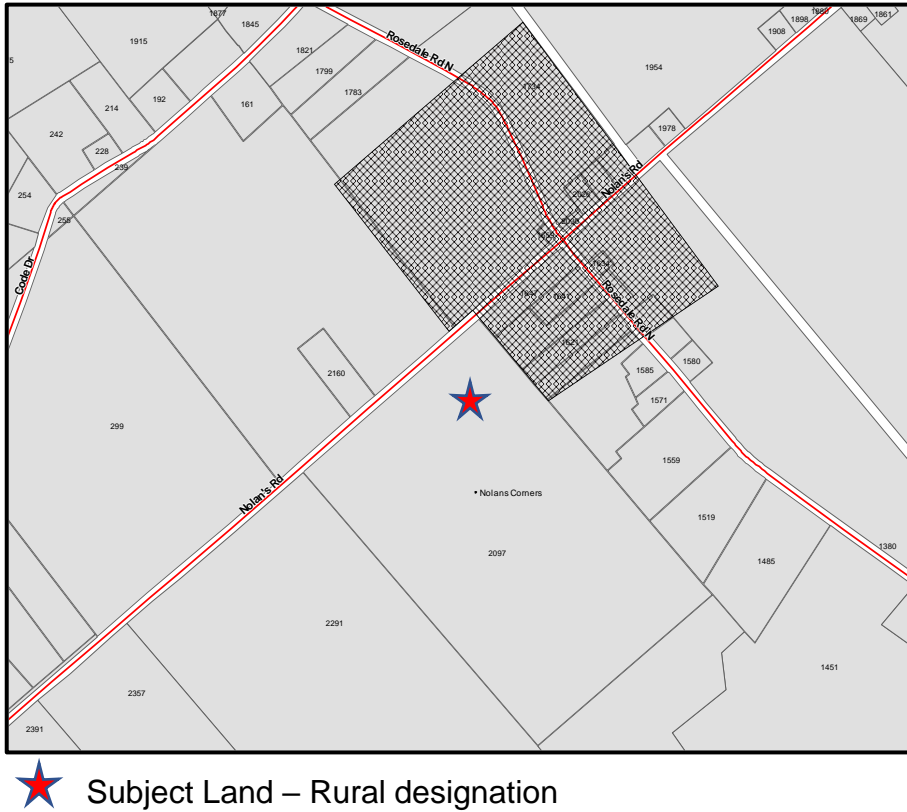
APPENDIX "A"

Key Map



APPENDIX "B"

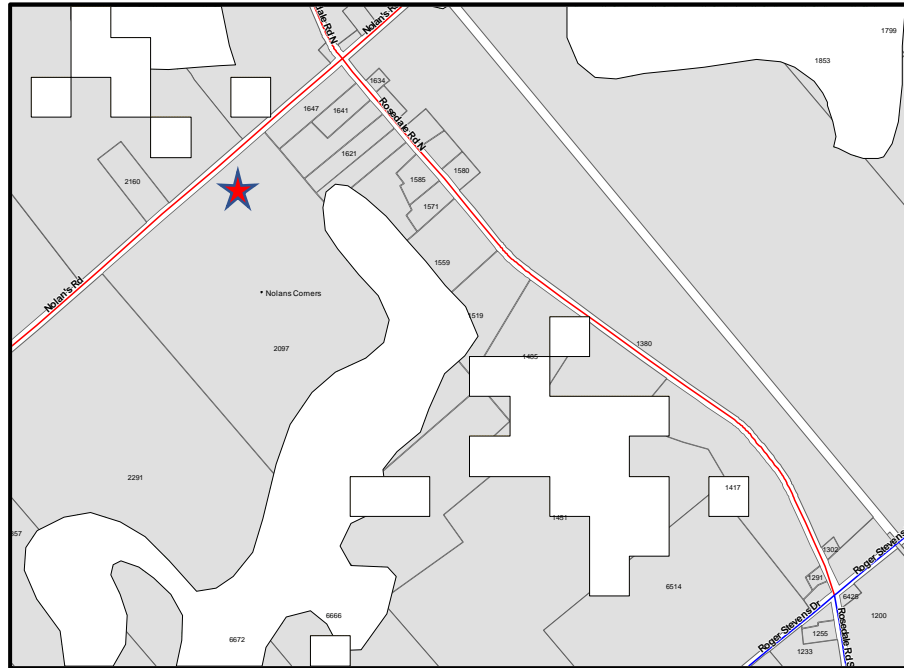
Official Plan - Schedule "A"- Land Use



APPENDIX "C"

Official Plan - Schedule "B" - Constraints and Opportunities

- Organic Soils
- Wildland Fire Hazard - High

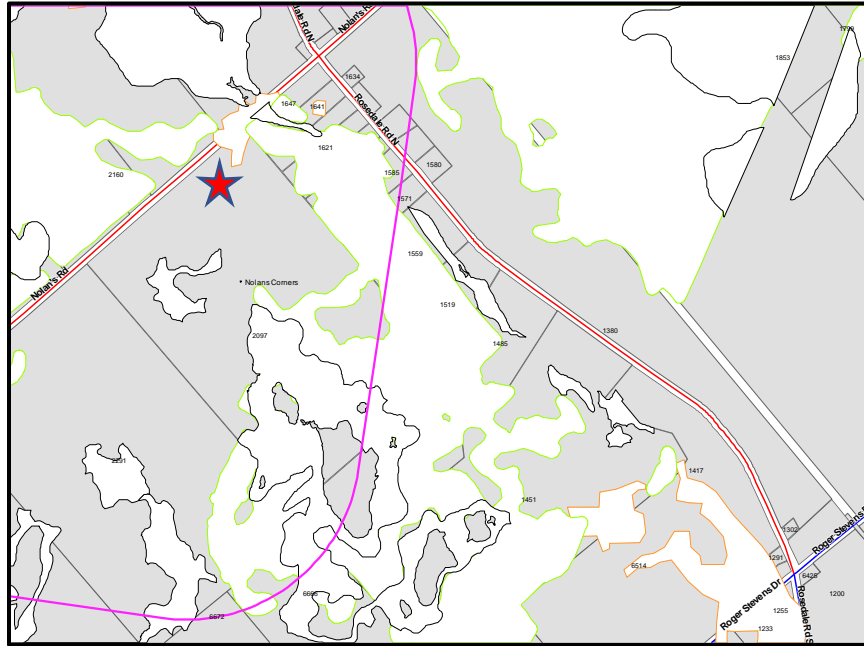


 Subject Land

APPENDIX "D"

Official Plan - Schedule "C"- Natural Heritage System

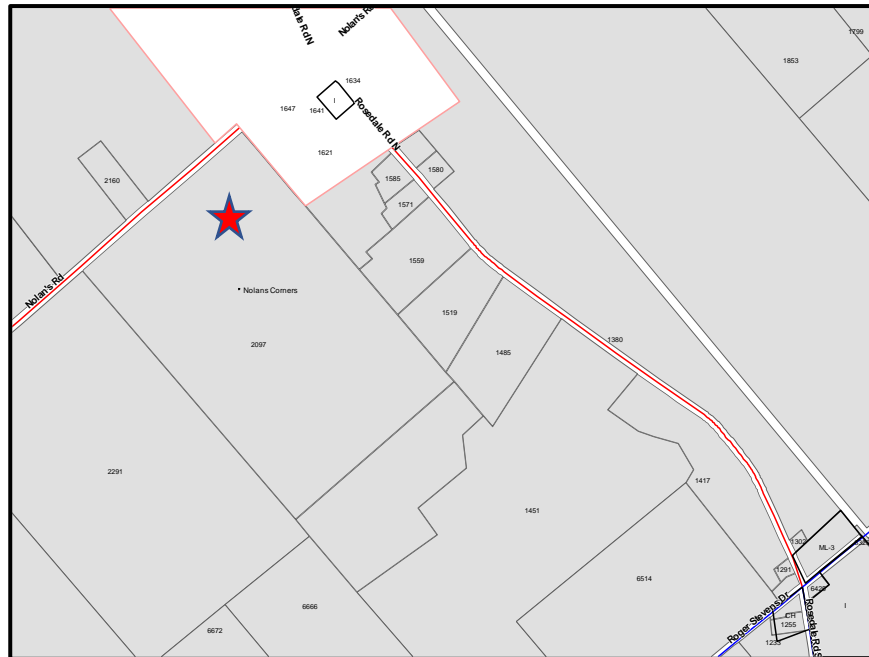
- Significant Wildlife Habitat
- Significant Woodlands
- Unevaluated Wetland
- Natural Corridors and Linkages



 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 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 consult directly with the Township of Montague to confirm that a residential entrance to the subject lot is viable. Additionally, the Applicant shall apply for and install the approved entrance.*
- 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 Assessment prepared by CM3 Environmental Inc., dated August 16th, 2024.*