



**THE CORPORATION OF THE  
TOWNSHIP OF MONTAGUE**

**December 7<sup>th</sup>, 2023**

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

**Lacroix Consent Application – Lanark County File B23-133**

**1. LOCATION AND DESCRIPTION**

The subject property is in Part of Lot 22, Concession 5, Township of Montague, and is municipally known as 2391 Nolan's Road.

The property totals approximately 36.99 hectares and one (1) parcel of land, 0.69 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 (B23-133):** The Applicant is proposing to sever a 0.69 hectare parcel of land with 52m of frontage on Nolan's Road, a Township maintained road. This lot is vacant with plans for a dwelling, serviced by a private well and septic system.
2. **Retained Lot:** This parcel is 36.3 hectares in size with 103m of frontage on Nolan's Road, a Township maintained road. This lot contains a dwelling serviced by a private well and septic system, a garage, barn, and cottage. No further plans for development are currently proposed.

**3. PLANNING ANALYSIS**

**2.1 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.*

*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 currently vacant with plans for development with a dwelling serviced by a private well and septic system.

The retained parcel is currently occupied by a dwelling serviced by a private well and septic system, a garage, barn, and cottage, with no plans for additional development at this time.

Residential land 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.

## **2.2 Official Plan**

Schedule “A” of the Township’s Official Plan designates the subject property as “Rural”. (See Appendix “B”)

*3.6.2 Within the Rural area, a variety of land uses shall be permitted including agriculture, forestry, 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.

*2.19.2(1) ...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.*

Organic Soils are present on the retained lands, identified in Appendix “C” herein. As no development is proposed in this location, there are no concerns in this regard.

*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...*

A portion of the subject lands is contained within a significant Wildlife Habitat. As the entirety of the lands proposed to be severed are located within this designation, identified in Appendix "D" herein, the Applicant obtained an Environmental Impact Study (EIS) and has submitted same to the County of Lanark as part of their complete application. The mitigation measures contained in the EIS will be documented in a Development Agreement between the Owners and Township.

*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 are Significant Woodlands located on the retained lands, identified in Appendix "D" herein. As no development is proposed in this location, there are no concerns in this regard.

*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.*

There are unevaluated wetlands (subject to the policies of the Natural Heritage B section of the Official Plan) located on the retained lands, identified in Appendix "D" herein. As no development is proposed in this location, there are no concerns in this regard.

*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 required. The Applicant has obtained a Hydrogeological Assessment and Terrain Analysis and has submitted same to the County of Lanark as part of their complete application. The recommendations contained in this report will be documented in a Development Agreement between the Owners and Township.

There are watercourses running through portions of the retained lands, identified in Appendix "B" herein. As no development is proposed in this location, there are no concerns in this regard.

*5.2.2(1) The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law. As a rule, the minimum lot area shall be 0.4 hectares.*

The lot proposed to be severed meets with the provisions of Section 5.2.2(1) of the Township's Official Plan.

*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 1<sup>st</sup>, 2001. Therefore, the proposed severance is in conformity with the Official Plan.

*5.2.3(3) Consents in the Rural designation that have the effect of creating or extending areas of strip development will be discouraged.....For the purpose of this Official Plan, strip development shall be defined as a series of four or more developed or undeveloped residential lots located on one side of a public road within a 300-metre length along the public road. The 300-metre distance shall be measured between the two lot lines located at either end of the strip. No new residential lot shall be created within a 300-metre distance of a strip residential development located on the same side of the road.*

The proposed severed lot will not create or extend an area of strip development, as described in Section 5.2.3(3) of the Official Plan.

*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.*

An examination of potential livestock facilities within 750m of the subject lands was conducted by the applicant. A livestock facility exists on the retained parcel and the calculated building base distance was deemed to not create a land use compatibility issue for the proposed severed lot.

### **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**

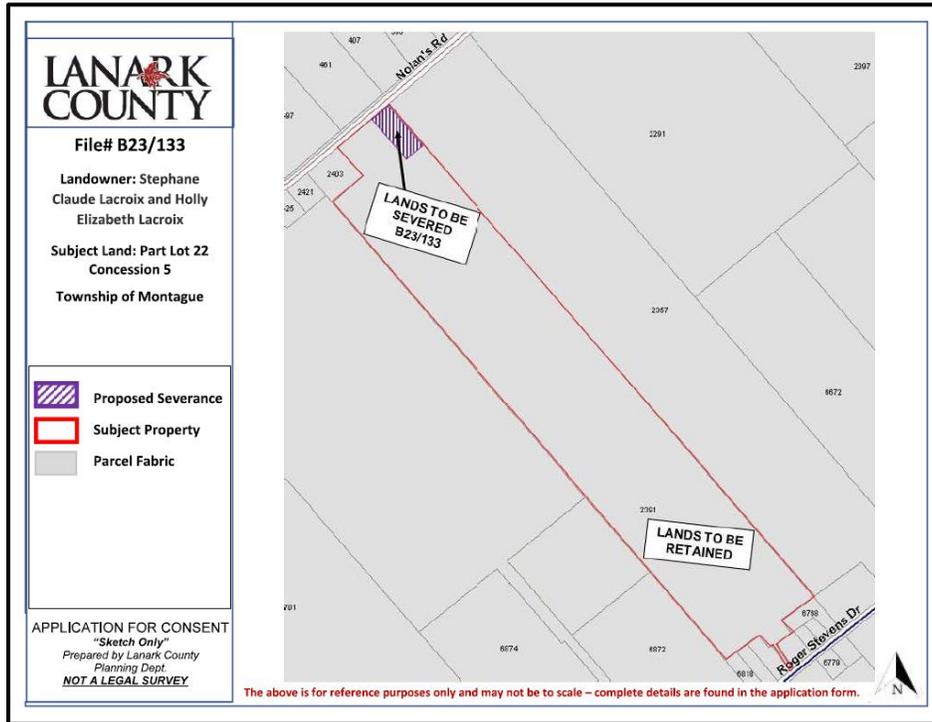
As a result of the internal circulation of this application to Township Staff, the Manager of Public Works has advised that no further entrances will be permitted on the retained parcel of land and, as this property has frontage on a gravel road, dust is a common occurrence. The Chief Building Official has advised that he has no concerns.

## **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.

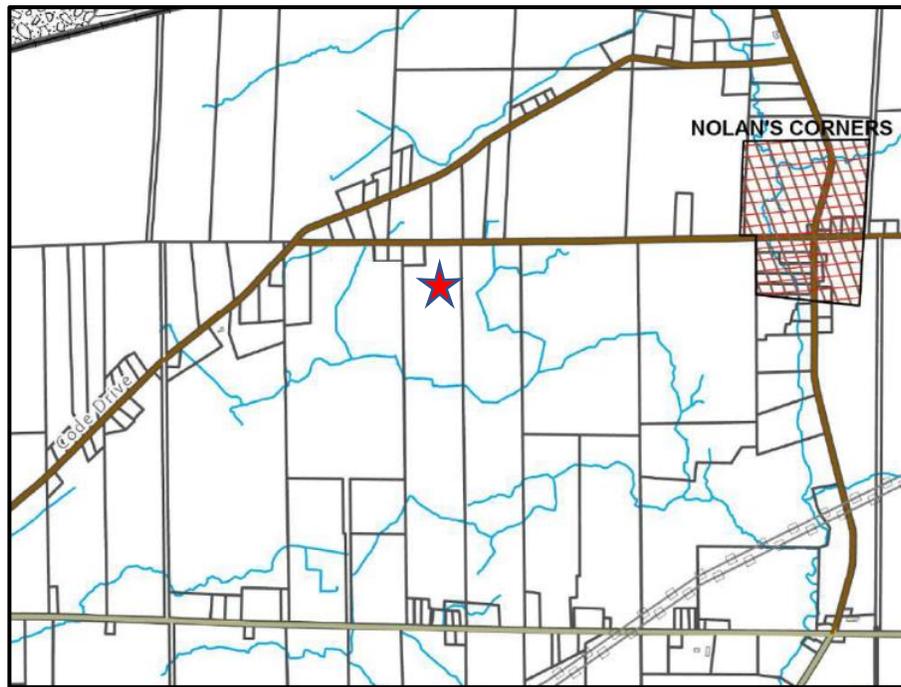
# APPENDIX "A"

## Key Map



## APPENDIX "B"

### Official Plan – Land Uses

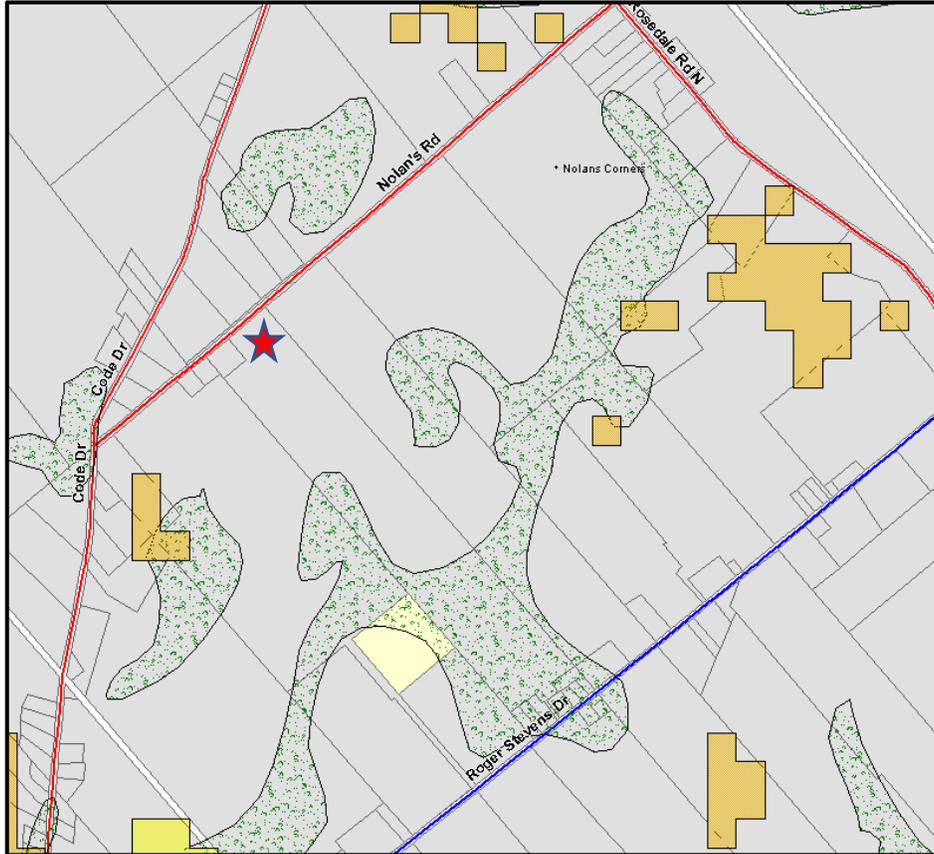


★ Subject Land – Rural designation

# APPENDIX "C"

## Official Plan – Constraints and Opportunities

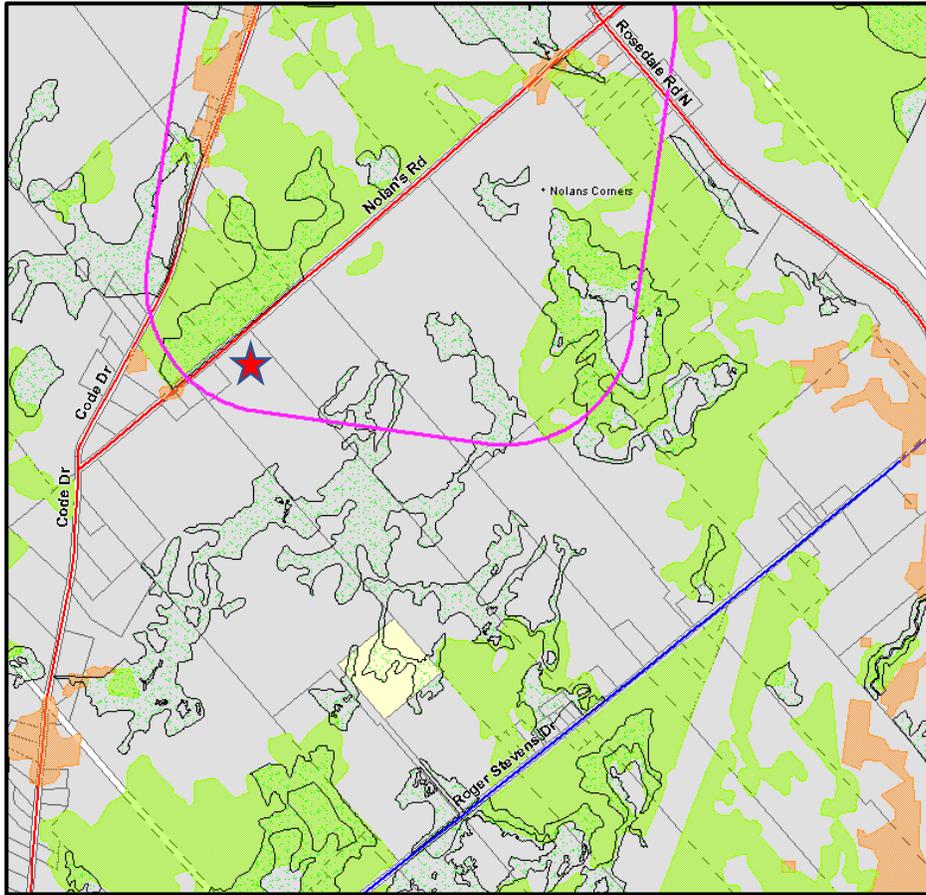
Organic Soils



 Subject Land

# APPENDIX "D"

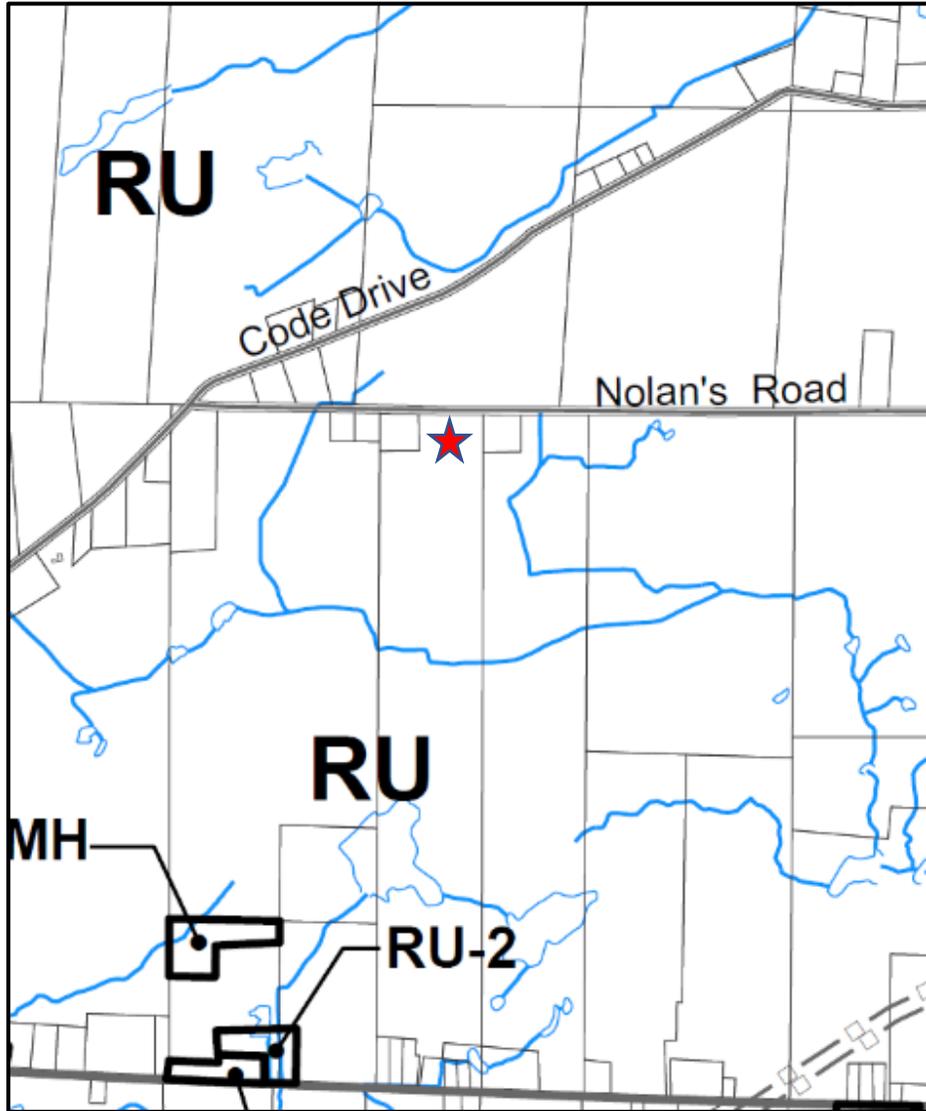
## Official Plan – Natural Heritage System



 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 severed land. The Applicant shall consult directly with the Township in this regard.*
- 6) *The Applicant shall confirm that a residential entrance to the severed lot is 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 conveyed as required to the Township of Montague by registered deed, to meet the road widening requirements of the Township. Deeds are to be submitted to the Municipality for review accompanied by a solicitor's certificate indicating that the Municipality's title is free and clear of all encumbrances and the Municipality has a good and marketable title for assumption. The Manager of Public Works shall be consulted prior to commencing a survey to determine the amount, if any, of road widening required.*
- 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 address the recommendations in:*
  - *the Environmental Impact Study prepared by JN Environmental Consultancy, dated October 14<sup>th</sup>, 2023; and*
  - *the Hydrogeological Study prepared by Morey Consultants Ltd., dated October 6<sup>th</sup>, 2023.*

*The Development Agreement will also contain a clause that the proposed severed lot has frontage on a gravel roadway and is subject to the impacts of associated dust.*