



## THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

November 7<sup>th</sup>, 2022

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Reviewed By: Forbes Symon, Contract Planner

### Lee Consent Applications – Lanark County Files B22-110, B22-111 and B22-112

#### 1. LOCATION AND DESCRIPTION

The subject property is located in Part of Lot 30, Concession 8, Township of Montague, and is municipally known as 588 Ferguson Tetlock Road. The property totals approximately 44.59 hectares, from which a 13.2 hectare parcel of land, 8.80 hectare parcel of land, and a 2.49 hectare parcel of land 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 (B22-110):** The applicant is proposing to sever a 13.2 hectare parcel of land with 162m of frontage on Ferguson Tetlock Road, a Township maintained road. This lot contains an agricultural storage building with no current plans for development with a dwelling serviced by private well and septic.
2. **Severed Lot (B22-111):** The applicant is proposing to sever an 8.8 hectare parcel of land with 532m of frontage on Carroll Road, a Township maintained road. This lot is vacant with no current plans for development with a dwelling serviced by private well and septic.
3. **Severed Lot (B22-112):** The applicant is proposing to sever a 2.49 hectare parcel of land with 150m of frontage on Carroll Road, a Township maintained road. This lot is vacant with no current plans for development with a dwelling serviced by private well and septic.
4. **Retained Lot:** This parcel is 20.1 hectares in size with 210m of frontage on Ferguson Tetlock Road, a Township maintained road. This lot contains an agricultural storage building with no current plans for development with a dwelling serviced by private well and septic.

### **3. PLANNING ANALYSIS**

#### **4.1 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.*

Two of the three lots to be severed are currently vacant (one is occupied by an agricultural storage building) and no plans for development for dwellings serviced by private well and septic have been proposed for any of the three severed parcels at this time.

The retained parcel is currently occupied by an agricultural storage building, with no plan for development with a dwelling serviced by private well and septic at this time.

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.

#### **4.2 Official Plan**

Schedule “A” of the Township’s Official Plan designates the subject property as “Rural”.

*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 scattered residential development and farmland.

*2.22.1 (4) The determination of site suitability for proposed sewage disposal systems and the environmental sustainability of development (i.e. long term protection of ground water) are important considerations in development. Servicing reports such as hydrogeological investigations, terrain analyses, impact assessments and servicing options reports shall be provided to the satisfaction of the approval authority, including the relevant approval authority for water supply and sewage disposal systems.*

Pursuant to the Township's Screening Checklist, a Hydrogeological Assessment is required as more than one lot is being created. The applicant has submitted this documentation to the County of Lanark as part of their consent application.

*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.*

Significant areas of Organic Soil are present on the subject property, as identified in Appendix "C" herein, triggering the requirement for a Geotechnical Study. The applicant has submitted this documentation to the County of Lanark as part of their consent application.

*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....*

A large portion of the subject property is located within a Significant Woodland designation, as identified in Appendix "C" herein, triggering the requirement for an Environmental Impact Study. The applicant has submitted this documentation to the County of Lanark as part of their consent application.

There is a watercourse running along the rear of the subject property, identified in Appendix "C" herein, although there is sufficient buildable area outside of the 30m setback for development of any of the severed or retained lots.

*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 severances are 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 and accessory structures.

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

#### **4. INTERNAL COMMENTS**

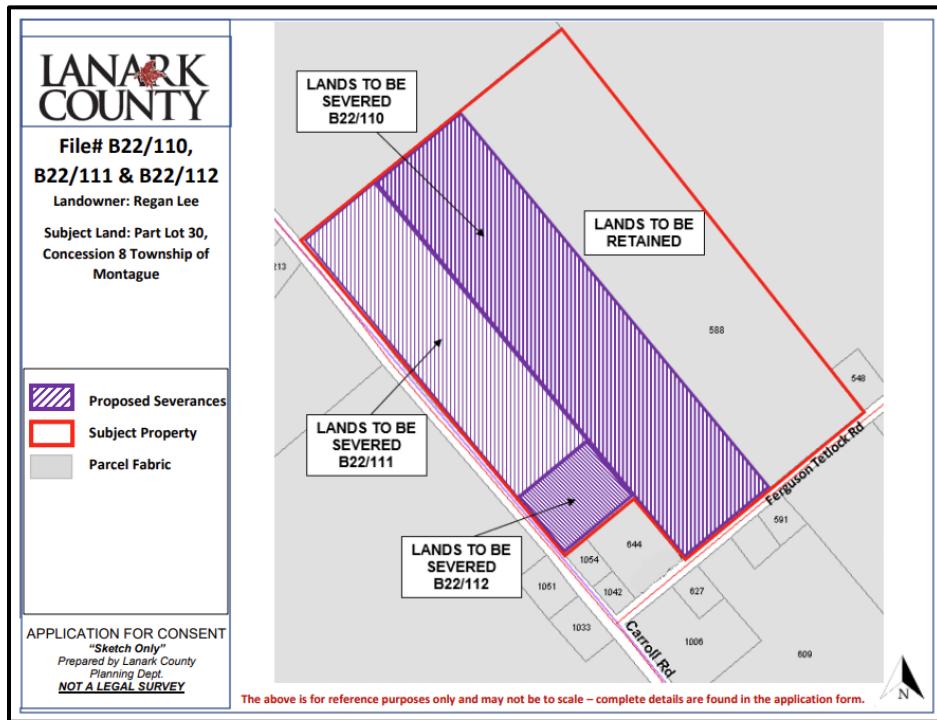
The Chief Building Official advised that he had no comments with respect to this development proposal.

#### **5. CONCLUSIONS**

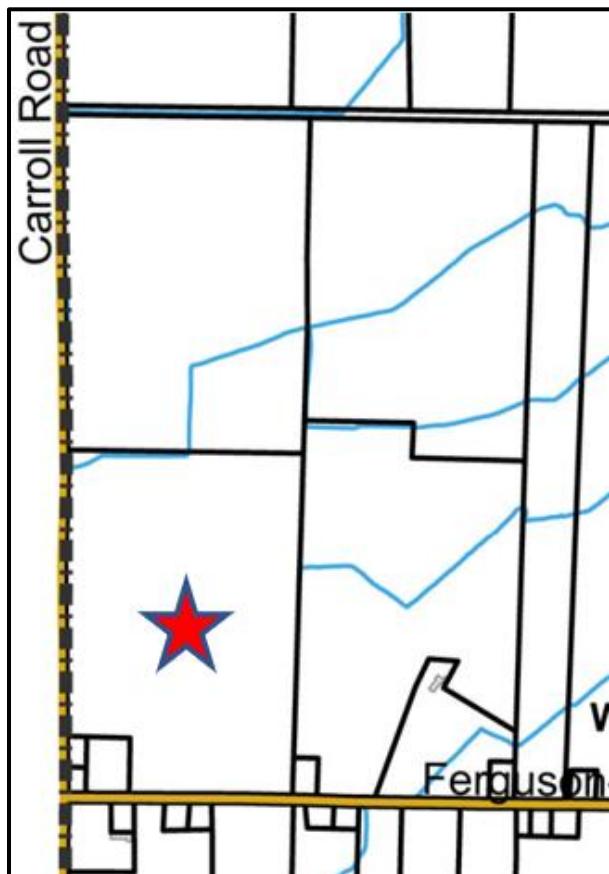
Based on the foregoing, the proposed consent application is consistent with the PPS, and conforms with the provisions of the Township's Official Plan and Zoning By-Law, provided that the recommended conditions in Appendix "E" are approved.

## APPENDIX "A"

### Key Map



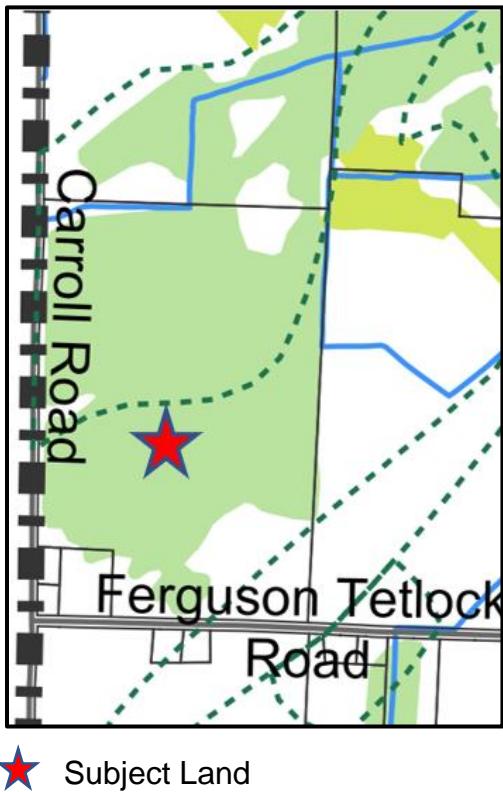
**APPENDIX “B”**  
**Official Plan – Schedule A**



★ Subject Land – Rural designation

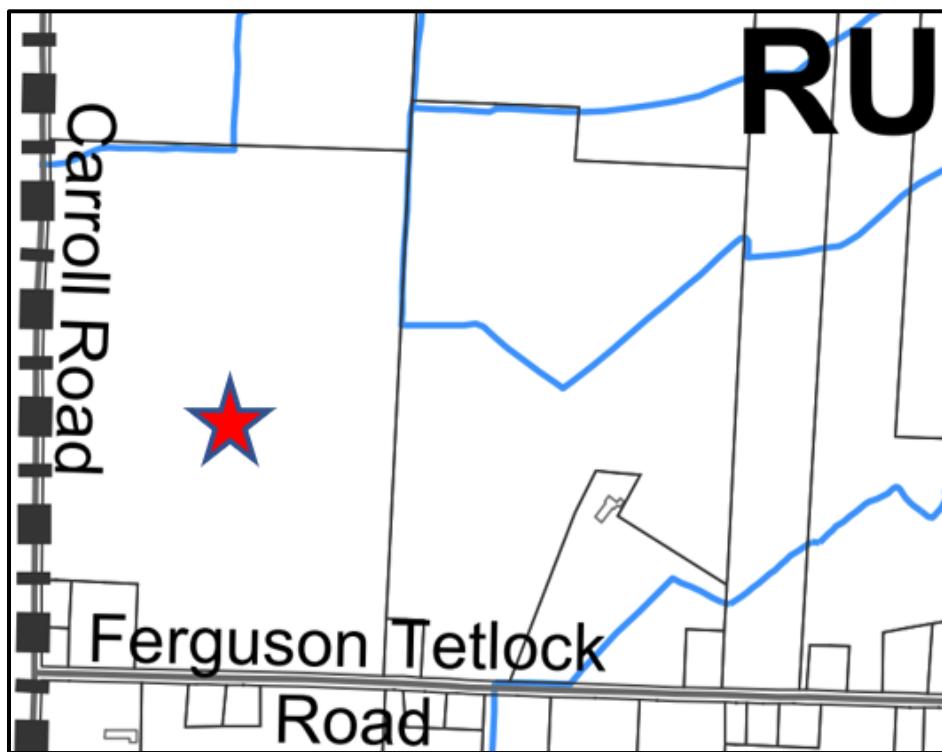
**APPENDIX "C"**  
**Official Plan – Schedule B**

 SIGNIFICANT WOODLANDS  
 ORGANIC SOILS



**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 applicants 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 with a registered copy of all reference plans associated with this application. Surveys shall be provided in paper and digital format.*
- 4) *The Applicant shall obtain Civic Address Numbers from the Township of Montague for the severed lands. The applicant shall consult directly with the Township in this regard.*
- 5) *The applicant shall confirm that residential entrance to the subject lots are viable. The applicant shall consult directly with the Township of Montague in this regard.*
- 6) *The Applicant shall meet the Township's requirements regarding the dedication of parkland or cash-in-lieu thereof.*
- 7) *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.*
- 8) *The applicant shall enter into a Development Agreement with the Township of Montague for the severed and retained lands. The wording of the agreement shall be acceptable to the Municipality and the Conservation Authority and shall address the recommendations in the Scoped Hydrogeological Report prepared by BluMetric Environmental, dated September 1<sup>st</sup>, 2022, the Environmental Impact Study prepared by BCH Environmental Consulting Inc., dated August 2022, and Subsurface Investigation prepared by Kollaard Associates, dated August 26<sup>th</sup>, 2022.*